

COMMUNITY AMENITY LOCAL LAW 2025



City of
DAREBIN



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Incorporated by reference

- Darebin Waste and Recycling Guide
- Signage Policy

PART 1 - Introductory

1. Title

This Local Law is the Community Amenity Local Law 2025 of Darebin City **Council**.

2. Objectives of this Local Law

The principal objectives of this Local Law are to:

- (a) provide for the peace, order, and good government of the **municipal district** of Darebin City **Council**;
- (b) promote a physical and social environment in which residents and visitors to the **municipal district** can enjoy a quality of life that meets the general expectations of the community;
- (c) prevent and suppress nuisances which may adversely affect the enjoyment of life within the **municipal district** or the health, safety, and welfare of **persons** within the **municipal district**;
- (d) prohibit, regulate, and control activities which may be dangerous or unsafe or detrimental to a **person's** health, amenity, or the environment;
- (e) prohibit, regulate and control access to and behaviour in **municipal places**;
- (f) prohibit, regulate and control the **use** of **municipal recreation centres**, **municipal buildings**, and **municipal reserves**;
- (g) define the standards to which **persons** engaged in **building work** should adhere;
- (h) provide for fair access and **use** of **Council** and community assets and **prescribe** measures to protect those assets; and
- (i) **prescribe** requirements for the administration and enforcement of the Local Law.

3. Authorising Provision

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

4. Operation Date

This Local Law comes into operation on 1 July 2025.

5. Revocation Date

This Local Law ceases to operate on 30 June 2035, unless revoked sooner by **Council**.

6. Repeal of Local Laws

From the commencement of this Local Law, the General Local Law No.1 of 2015 that commenced on 1 July 2015 is repealed.

7. Application of the Local Law

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

8. Exemptions from this Local Law

Nothing in this Local Law prevents any member, officer or employee of:

- (a) an emergency service; or
- (b) a State or Commonwealth government department or agency; or
- (c) any military or civil-defence organisation; or
- (d) the **Council**; or
- (e) a contractor directly engaged by the **Council**

to undertake **works** or to provide a service, from performing any of the duties they are lawfully entitled or

required to perform while engaging in those duties and any **person** acting accordingly is not guilty of any offence under this Local Law.

9. Incorporated Documents, Codes and Policies

- (1) This Local Law is to be read in conjunction with any document incorporated in accordance with section 76 of **the Act**.
- (2) The following documents are incorporated into this Local Law, in accordance with section 76(1) of **the Act**:
 - (a) Darebin Waste and Recycling Guide;
 - (b) Council's Signage Policy;
 - (c) Any **policy** applied by **Council** from time to time for the purpose of the particular provision in which the term is used.
- (d) any **Council** guidelines published by **Council** that are made from time to time by **Council** under clause 90 of this Local Law.

10. Definitions

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

Words	Meaning
'the Act'	The <i>Local Government Act 1989</i> and/or <i>Local Government Act 2020</i> .
'acceptable no smoking sign'	Has the same meaning as in the <i>Tobacco Act 1987</i> . <u>Explanatory note:</u> <i>The Tobacco Act 1987 defines acceptable no smoking sign as sign that contains –</i> <ol style="list-style-type: none"> (1) <i>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</i> (2) <i>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.</i>
'advertising 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 and includes a real estate pointer board.
'animal'	Includes any mammal and bird.
'animal owner'	Includes a person who keeps or who harbours an animal or has an animal in their care for the time being, whether such animal is at large or in confinement.
'appointed agent'	The person authorised in writing by an owner of a building or land to make an application, appeal, referral, or representation on their behalf.
'approved household waste bin'	Means a bin supplied by Council for the provision of a domestic landfill waste collection service provided by Council .

Words	Meaning
‘assistance animal’	<p>Has the same meaning as in the <i>Disability Discrimination Act 1992 (Cth)</i>.</p> <p><u>Explanatory note:</u></p> <p>The <i>Disability Discrimination Act 1992</i> defines assistance animal as –</p> <p>For the purposes of this Act, an assistance animal is a dog or other animal:</p> <p>(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</p> <p>(b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or</p> <p>(c) trained:</p> <p>(i) to assist a person with a disability to alleviate the effect of the disability; and</p> <p>(ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place</p>
‘assistance dog’	<p>Has the same meaning as in the <i>Equal Opportunity Act 2010</i>.</p> <p><u>Explanatory note:</u></p> <p>The <i>Equal Opportunity Act 2010</i> defines assistance dog as –</p> <p>A dog that is trained to perform tasks or functions that assist a person with a disability to alleviate the effects of his or her disability;</p>
‘Authorised Officer’	<p>Any person appointed by Council to be an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> (or subsequent act/amendments) and includes members of Victoria Police who are appointed under that section.</p>
‘builder’	<p>Means a person who:</p> <p>(a) carries out building work, or</p> <p>(b) manages or arranges the carrying out of building work, or</p> <p>(c) intends to carry out, or to manage or arrange the carrying out of, building work.</p>
‘building’	<p>Includes any structure or building, whether temporary or permanent, or any part of such building or structure.</p>
‘building site’	<p>Any land on which building work is carried out.</p>
‘building work’	<p>Includes any work for or in connection with:</p> <p>(a) the construction, demolition, renovation, alteration or removal of any building or structure or earthworkssuch as excavation, digging or boring and includes landscaping or concreting on private land and;</p>

Words	Meaning
	(b) delivery and removal of goods or materials.
'bulk rubbish container'	Means a bin, skip or other container used for the deposit of waste but excludes an approved household waste bin .
'busk'	Means the sounding or playing of a musical instrument, singing, giving a recitation, or performing any conjuring, juggling, puppetry, mime, dance, footpath art or other entertainment or doing any of those things concurrently, whether or not for the purpose of collecting revenue.
'camp'	The use of a tent, a sleeping bag, a caravan, mobile home, or any other moveable vehicle to provide accommodation.
'Chief Executive Officer'	The Chief Executive Officer of the Council or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on their behalf in relation to this Local Law.
'clothing recycling bin'	A bin or similar structure used for the collection of used clothing (whether or not it is used for the collection of other goods).
'completion of the building work'	<ul style="list-style-type: none"> (a) in relation to building work that requires an occupancy permit to be issued (or its equivalent), the date the occupancy permit is issued; or (b) in relation to building work that requires a certificate of final inspection to be conducted (or its equivalent), the date the final inspection is conducted; or (c) in relation to building work that does not require an occupancy permit or a final inspection, the date the works being undertaken needs no further substantive work for it to be used or enjoyed for the purpose for which it is being constructed.
'container'	A suitable rubbish container capable of restricting debris and other waste from leaving a building site .
'Council'	Darebin City Council .
'corporation'	Has the same meaning as in the <i>Corporations Act 2001</i> .
'Council land'	Means any land, buildings , assets, and facilities which are owned, occupied, or vested in the Council or in respect of which the Council has the care and management and to which the public has access or ought to have access to, whether an entry fee is paid or not.
'designated material'	Means any materials, products or substances that are accepted in respective garbage bin, recycling bin, green waste bin skip bin, glass bin or any other waste bin as determined by Council from time to time.
'dwelling'	Any building or portion of a building which is used, intended, adapted, or designed for use for human habitation.

Words	Meaning
‘electric scooter’	Means a vehicle that: <ul style="list-style-type: none"> (a) has a maximum speed of 25 km/h on level ground; (b) has two wheels, one in front of the other; (c) has a footboard between the wheels; (d) is steered by a handlebar; (e) weighs no more than 45` kilograms; and (f) is propelled by a motor or by the rider pushing one foot against the ground.
‘e-cigarette’	Has the same meaning as in the <i>Tobacco Act 1987</i> . <u>Explanatory note</u> <i>The Tobacco Act 1987 defines an ‘e-cigarette’ to mean -</i> <ul style="list-style-type: none"> (a) a device (other than a device that is prescribed to be not an e-cigarette for the purposes of this Act) that is designed to generate or release an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product; or; (b) any other device prescribed by the regulations.
‘event’	Means an organised recreational, cultural, commercial, or social event or a gathering of people, and includes a procession, festival, and street party. This does not apply to Council owned buildings which have been hired from Council under a hiring agreement. Does not include rallies, protests, vigils or processions
‘footpath’	Has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
‘hazardous substance’	Has the same meaning as in the <i>Environment Protection Regulations 2021</i> .
‘hoon event’	<ul style="list-style-type: none"> (a) Means one or more motor vehicles being driven in a manner that intentionally or recklessly leads to the motor vehicle/s: (b) losing traction; (c) racing; (d) time trialling; or (e) emitting undue noise or smoke.
‘impound’	means the seizing or taking possession of any item and includes the holding of that item at any location until the item is returned, released or disposed of.

Words	Meaning
'incinerator'	A structure, device or piece of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and which is not: (a) enclosed in any building ; (b) a barbecue; or (c) licensed under the provisions of the <i>Environment Protection Act 2017</i> .
'infringement notice'	has the same meaning as in the <i>Infringements Act 2006</i> .
'land'	Has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> and includes any Council land or private land in separate or joint ownership or occupation. <u>Explanatory note:</u> <i>Interpretation of Legislation Act 1984 defines land as –</i> <i>Includes buildings and other structures permanently affixed to land, land covered with water, and any estate, interest, easement, servitude, privilege or right in or over land.</i>
'litter'	Has the same meaning as in the <i>Environment Protection Act 2017</i> .
'miniaturised motor cycle'	Has the same meaning as in the <i>Road Safety Act 1986</i> .
'minor building work'	Building work valued at less than \$10,000 but excludes demolition and removal of buildings and structures and the installation of swimming pools (regardless of value).
'motor vehicle'	Has the same meaning as in the <i>Road Safety Act 1986</i> . <u>Explanatory note:</u> <i>The Road Safety Act 1986 defines a 'motor vehicle' as meaning –</i> <i>A vehicle that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the vehicle but does not include.</i> (a) <i>a vehicle intended to be used on a railway or tramway; or</i> (b) <i>a motorised wheel-chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person; or</i> (c) <i>a vehicle that is not a motor vehicle by virtue of a declaration under subsection (2)(b) [of section 3].</i>
'moveable advertising sign'	Any moveable board, notice, structure, banner, or other similar device used for the purposes of notifying a sale, soliciting sales, or notifying people of the presence of an adjacent property where goods or services may be obtained.

Words	Meaning
'municipal building'	Means a building : (a) that is owned, occupied or controlled by Council , or (b) that is under the care or management of Council .
'municipal district'	Has the same meaning as in the Act . <u>Explanatory note:</u> The Act defines 'municipal district' to mean - <i>The district under the local government of a Council.</i>
'municipal place'	Means a municipal building , municipal recreation centre or municipal reserve .
'municipal recreation centre'	Means any municipal building containing or associated with sporting activities, pool, spa, sauna, public bathing facilities, and includes all land and outdoor areas associated with or accessible from the municipal building .
'municipal reserve'	Means any land within the municipal district that is owned, occupied or managed by the Council including any structure, fixture, fitting and garden, bushland on or at the land , but does not include a municipal building or municipal recreation centre .
'noxious weeds'	Has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> . <u>Explanatory note:</u> <i>The Catchment and Land Protection Act 1994 defines 'noxious weed' to mean -</i> (a) a <i>State prohibited weed</i> , (b) a <i>regionally prohibited weed</i> , (c) a <i>regionally controlled weed</i> or (d) a <i>restricted weed</i> . <i>A full list of noxious weed species can be obtained from Council, or from the Department of Energy, Environment and Climate Action.</i>
'occupier'	Includes: (a) a person who manages any land on behalf of the owner of land or occupier ; and (b) a person who is responsible for the care and control of any land ; and (c) a lessee or licensee of any land .
'operator'	Means the person who was driving or in charge of the vehicle at the time when it was involved in the commission of a relevant offence.
'owner'	Means: (a) in relation to a building , the owner of land on which the building is situated; and (b) in relation to a motor vehicle ;

Words	Meaning
	<p>(i) the registered owner of the motor vehicle; or</p> <p>(ii) a person who has possession of the motor vehicle.</p> <p><u>Explanatory note:</u></p> <p>For the meaning of ‘owner’ in relation to land see section 3(1) of the Local Government Act 2020, which means –</p> <p>The person who is entitled to receive the rack-rent for the land or who, if the land were let at a rack-rent, would be entitled to receive the rent.</p>
‘penalty unit’	<p>Has the same meaning as in the Sentencing Act 1991.</p> <p><u>Explanatory note:</u></p> <p>For the purpose of this Local Law, section 110 of the Sentencing Act 1991 defines ‘penalty units’ to mean –</p> <p>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.</p>
‘person’	Includes a natural person , a corporation , an association incorporated under the Associations Incorporation Reform Act 2012, a partnership, an unincorporated association and a public statutory corporation constituted by or under any law of the State of Victoria, any other State or Territory of the Commonwealth or the Commonwealth.
‘policy’	A policy applied by Council from time to time for the purpose of the particular provision in which the term is used.
‘poultry’	Includes ducks, chickens, geese, peacocks, pheasants, turkeys, and guinea fowl.
‘permit’	A permit in writing issued for the purpose of the particular provision in which the term is used.
‘Planning Scheme’	Means the Darebin Planning Scheme .
‘power-assisted pedal cycle’	Has the same meaning as in the Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 determined under section 7 of the Motor vehicle Standards Act 1989.
‘premises’	Includes a building , land , flat, unit, house and dwelling but does not include any building , land , flat, unit, house or dwelling owned or under the control of Council .
‘prescribe and prescribed’	Means determined and resolved by Council .
‘private land’	Means any land which is not owned or occupied or under the control or management of a public body .
‘property’	Means any land , building or dwelling in separate ownership or separate occupation within the municipal district and includes premises , crops, trees and other improvements.

Words	Meaning
'public body'	Any government department or body established for a public purpose by or under an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth, and includes any water authority established by or under such Acts.
'public place'	<p>Has the same meaning as in the <i>Summary Offences Act 1966</i>.</p> <p><u>Explanatory note:</u></p> <p>The <i>Summary Offences Act 1966</i> defines public place as follows -</p> <p>'public place' includes and applies to:</p> <ul style="list-style-type: none"> (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 state school or the land or premises in connexion 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 <i>Liquor Control Reform Act 1998</i>; (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.
'recreational vehicle'	Means any miniaturised motor cycle , trail bike , motor cycle, motor scooter, go-cart, four-wheel drive vehicle or other vehicle propelled by a motor, which can be used for

Words	Meaning
	<p>recreational purposes, but does not include:</p> <ul style="list-style-type: none"> (a) a motorised wheelchair; (b) a power-assisted pedal cycle that meets the legislative requirements; (c) an electric scooter that meets the legislative requirements
'residential area'	Means land within one of the Residential Zones of the Planning Scheme .
'retailer'	A person who sells goods by retail and who provides trolleys to customers.
'road'	<p>Has the same meaning as in the <i>Local Government Act 1989</i>.</p> <p><u>Explanatory note:</u></p> <p>In section 3 of the <i>Local Government Act 1989</i> 'road' is defined as follows:</p> <p>'road' includes:</p> <ul style="list-style-type: none"> (i) a street; and (ii) a right of way; and (iii) any land reserved or proclaimed as a street or road under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>; and (iv) a passage; and (v) a cul-de-sac; and (vi) a by-pass; and (vii) a bridge or ford; and (viii) a footpath, bicycle path or nature strip; and (ix) any culvert or kerbing or other land or works forming part of the road.'
'sell or sold'	<p>Means the ordinary meaning of sell or sold and includes -</p> <ul style="list-style-type: none"> (a) sell by means of any machine, electronic device, or mechanical device; (b) hire; (c) barter or exchange for sale or hire; (d) offer or expose or display for sale or hire; (e) advertise for sale or hire; (f) keep or have in possession for sale or hire; or (g) agreeing to, directing, causing, or attempting to sell or hire.
'smoke'	<p>Has the same meaning as in the <i>Tobacco Act 1987</i>.</p> <p><u>Explanatory note:</u></p> <p>The <i>Tobacco Act 1987</i> defines smoke to mean -</p> <ul style="list-style-type: none"> (a) smoke, hold or otherwise have control over an

Words	Meaning
	<i>ignited or heated tobacco product; or</i> <i>(b) use an e-cigarette to generate or release an aerosol or vapour.</i>
'smoke free area'	Means any area prescribed by Council .
'smoke free event'	Means an organised recreational, cultural, commercial, or social event or a gathering of people which is held on Council land and prescribed by Council or determined by an Authorised Officer and it includes a procession, festival, and street party.
'street furniture'	Includes furniture used for outdoor dining such as tables and chairs, and ancillary equipment such as gas heaters, screens, planter boxes, umbrellas, blinds, menu boards, and awnings.
'street litter bin'	Means a receptacle provided by Council in a public place to receive packaging, papers and other litter arising during the occupation or use of the public place by any person .
'tobacco product'	has the same meaning as in the <i>Tobacco Act 1987</i> . <u><i>Explanatory note:</i></u> <i>The Tobacco Act 1987 defines 'tobacco product' to mean-</i> <i>Tobacco, cigarette or cigar or any other product containing tobacco and which is designed for human consumption.</i>
'toy vehicle'	Includes: (a) a vehicle designed to be propelled by human power and includes a scooter, skateboard, roller skates, roller blades and like toys; or (b) a remote control vehicle but does not include a motorised wheelchair or motorised mobility aid used by a person of impaired mobility; or a pram or pusher when used for its intended purpose.
'trade waste'	Any waste, refuse, slops, or other matter arising from or generated by any trade, industry, or commercial undertaking.
'trade waste bin'	A purpose-built container for the deposit of trade waste .
'trail bike'	Means a motorcycle for use on rough terrain.
'unreasonable noise'	Has the same meaning as in the <i>Environment Protection Act 2017</i> . <u><i>Explanatory note:</i></u> <i>The Environment Protection Act 2017 defines 'unreasonable noise' to mean -</i> (a) <i>noise that is unreasonable having regard to the following:</i> (i) <i>its volume, intensity or duration;</i>

Words	Meaning
	<p>(ii) <i>its character;</i></p> <p>(iii) <i>the time, place and other circumstances in which it is emitted;</i></p> <p>(iv) <i>how often it is emitted;</i></p> <p>(v) <i>any prescribed factors; and</i></p> <p>(b) <i>noise that is prescribed to be unreasonable noise; and</i></p> <p>(c) <i>does not include noise prescribed not to be unreasonable noise.</i></p>
'use'	In relation to a vehicle means park, ride, or drive.
'utility'	<p>Has the same meaning as in the <i>Road Management Act 2004</i>.</p> <p><u>Explanatory note</u></p> <p>The <i>Road Management Act 2004</i> defines utility as -</p> <p>(a) <i>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;</i></p> <p>(b) <i>any person who under the <i>Pipelines Act 2005</i> is the holder of a licence to construct and operate a pipeline.</i></p>
'vehicle'	<p>Has the same meaning as in the <i>Road Safety Act 1986</i>.</p> <p><u>Explanatory note:</u></p> <p>The <i>Road Safety Act 1986</i> defines vehicle as –</p> <p><i>A conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock.</i></p>
'vehicle owner'	Means the person who is the registered owner of the motor vehicle or has immediate right to the possession of the vehicle or the person who appears to be in control of the vehicle .
'work'	<p>Includes:</p> <p>(a) Excavating, digging holes and landscaping;</p> <p>(b) erecting fencing, hoarding and scaffolding;</p> <p>(c) using a mobile crane or travel tower or similar;</p> <p>(d) constructing, removing, or altering a vehicle crossing; and</p> <p>(e) installing fences, barriers or other items that restricts access to or movement on a road.</p>

PART 2 – Your Property

11. Unsightly Land

- (1) An **occupier** of **private land** must not keep or allow another **person** to keep that **private land** in a manner which is, in the opinion of **Council** or an **Authorised Officer**:
 - (a) unsightly; or
 - (b) detrimental to the general amenity of the area in which it is located.
- (2) Without limiting the generality of sub-clause (1), **private land** may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:
 - (a) disused excavation;
 - (b) a **building** which is incomplete and not currently being constructed;
 - (c) unconstrained rubbish, **litter**, waste material or any stockpile;
 - (d) excessive vegetation growth;
 - (e) second-hand materials, scrap metal, **building** materials or **building** refuse;
 - (f) derelict **vehicles** and machinery, or **vehicle** or machinery parts;
 - (g) graffiti on exterior walls of **buildings** or fences; or
 - (h) any material or substance that makes the **land** out of character with the appearance of other **land** in the neighbourhood, irrespective of whether it can be seen from a neighbouring **property** or a **public place**.
- (3) For the purpose of sub-clause (1)(b) detrimental to the general amenity of the area means, in the opinion of an **Authorised Officer**, it has substantial adverse visual impact in the context of the surrounding area taking into account its appearance to the street, neighbouring properties or any **public place**, but does not take into account the intended design or siting of a **building**.

12. Dilapidated Building

- (1) An **occupier** of **private land** must not allow a **building** located on the **private land** to:
 - (a) become dilapidated; or
 - (b) become further dilapidated, and
- (2) must maintain any such **building** in a state of good repair.
- (3) For the purposes of sub-clause (1), a **building** is dilapidated if it is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, or misuse.

13. Dangerous Land

- (1) An **occupier** of **private land** must not, in the opinion of **Council** or an **Authorised Officer**:
 - (a) keep or allow another **person** to keep that **private land** in a manner which is dangerous or likely to cause danger to health, life or **property**; or
 - (b) allow that **land** to contain vermin or **noxious weeds**.
- (2) Sub-clause (1)(a) does not apply to any danger to health, life or **property** arising from the condition of vegetation, including trees, unless the vegetation or trees poses a risk to **persons** or **property** in a **public place**.

14. Obstructions

- (1) An **occupier** of **land** must not **permit** anything, including vegetation, located on the **land** to overhang the boundary of the **land** so as to:
 - (a) obstruct the clear view of a pedestrian or the driver of any **vehicle** travelling along the

road abutting the **land**;

- (b) encroach upon any **road** or **Council land**;
 - (c) otherwise prejudice the safe and convenient **use** of any **road** by pedestrians or drivers; or
 - (d) obscure street lights or a traffic control device.
- (2) A **person** must not leave or allow to be left any thing or material that encroaches on a **road** (including a **road** reserve, **footpath** or nature strip), or obstructs the free **use** of a **road** or that reduces the breadth, or confines the limits, of a **road**, without a **permit**.
- (3) An **Authorised Officer** may **impound** any thing or material that is left contrary to sub-clause (2) or contrary to the conditions of a **permit** issued under this Local Law.
- (4) The **Council** or an **Authorised Officer** may exempt
- (a) a **person**;
 - (b) a class of **persons**; or
 - (c) a body corporate from the application of sub-clause (2).

15. Shipping Containers

- (1) A **person** must not keep, store, repair or in any other manner **use** a shipping container on **land** without a **permit** issued under this Local Law unless the **Planning Scheme** requires a Planning **permit** for such **use** and a Planning **permit** under the **Planning Scheme** has been issued.

16. Numbering Properties

- (1) An **occupier** must not number or display a number in respect to the **land** unless the number has been allocated to or approved for **use** by **Council** in relation to the **land**.
- (2) If **Council** has allocated a number to the **land**, the **occupier** of the **land** must ensure that the **land** is marked with the number allocated by **Council** and the numbers are of sufficient size and free from obstructions so that they can be clearly read under normal lighting conditions from the **road** immediately adjacent to the front boundary of the **land**.

17. Oversize Vehicles

- (1) A **person** must not, without a **permit**, park, store, or repair or allow another **person** to park, store or repair a **vehicle** over 7.5 metres in length (including any trailer and fittings) and/or a **vehicle** with a Gross Vehicle Mass in excess of 4.5 tonnes on **private land**, which is in a **residential area**.

18. Camping on Private Land

- (1) A **person** must not **camp** on vacant **private land**.
- (2) A **person** may **camp** on **private land** where there is an existing **dwelling** for a cumulative period of not more than six (6) months in any twelve (12) month period provided that:
- (a) appropriate sanitary facilities are available to the **land**; and
 - (b) there is no detrimental effect on the amenity of adjoining **land**.
- (3) A **person** must not, without a **permit** or unless exempted under the **Planning Scheme**, **camp** on **private land** in excess of the period **prescribed** in sub-clause (2).

19. Use of Recreational Vehicles on Private land

- (1) A **person** must not **use** a **recreational vehicle** on **private land**.
- (2) An **occupier** of **private land** must not allow a **person** to **use** a **recreational vehicle** on that **land**.

20. Lights

- (1) An **occupier of land** must not cause or allow to be caused, in the opinion of **Council** or an **Authorised Officer**, a light to be a nuisance to any other **person**.

21. Incinerators, Fires and Open Air Burning

- (1) A **person** must not light or allow any fire to be lit in the open air or in an **incinerator** on any **land**.
- (2) The prohibition in sub-clause (1) does not apply to a fire which is approved by a **permit** for a special **event** or cultural ceremonies.
- (3) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a **person** who **uses** a barbecue for the purposes of cooking food or by Wurundjeri Woi Wurrung Elder, or other **person** authorised by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, to undertake Smoking ceremonies or on-Country burning, or by any Aboriginal person to undertake a community smoking gathering
- (4) For the purpose of sub-clause (3) a barbecue is a device specifically designed and constructed for the purpose of cooking and does not result in emissions of smoke or odour (other than normal odour of food cooking) to enter any neighbouring property, that in the opinion of an authorised officer is offensive.

22. Direction to Extinguish Fires

- (1) A **person** or **occupier of land** who has lit or allowed a fire to remain alight contrary to the provisions in this local law, must extinguish the fire immediately on being directed to do so by:
- (a) an **Authorised Officer**; or
 - (b) a member of Victoria Police or the Country Fire Authority or Fire Rescue Victoria.

23. Restrictions on Burning in the Open Air in Public Places and on Council Land

- (1) A **person** must not, without a **permit** or the relevant **land** manager's consent, light or allow to be lit, a fire in the open air on:
- (a) a **road**;
 - (b) **Council land** or reserve;
 - (c) Crown **land**; or
 - (d) any **public place**
- unless it is authorised by signs placed on the **land** by **Council**.

24. Audible Intruder Alarm

- (1) A **person** must not in any **premises** install or **permit** or allow to be installed or **cause** to be retained in an active state, an intruder alarm, which emits a noise audible beyond the boundary of the **premises**, unless such an alarm is constructed or regulated to ensure that it complies with the relevant Australian Standard.

PART 3 - Animals

25. Keeping of Animals Generally

- (1) The limitations and restrictions in this Part do not prohibit the keeping of any **animals** for which a planning **permit** is required under the **Planning Scheme** and a planning **permit** has been issued for such keeping.
- (2) An **occupier** of any **land** must not, without a **permit**, keep or allow to be kept on that **land** any more of each of the species or group, or type of **animals** than is stated in the following Table:

Animal	Permitted without a permit
Dogs	2
Cats	2
Small animals - mice, rats, ferrets, guinea pigs, rabbits, etc	5
Birds	10
Poultry / Fowl or similar (excluding roosters)	5
Rooster	0
Reptiles	2
Farm animals including cattle, sheep, pigs goats and horses	0

- (3) Notwithstanding sub-clause (2), if the above Table specifies the number of nought (0) for any type of **animal**, the keeping of that type of **animal** is prohibited and a **permit** cannot be granted.
- (4) **Council** or an **Authorised Officer** may exempt any **person** or class of **persons** from the application of sub-clauses (2) or (3).
- (5) Notwithstanding sub-clauses (1), (2) and (3), a **person** is allowed to keep an **assistance dog** or **assistance animal** on **land**, provided that the **assistance dog** or **assistance animal** is registered with **Council** or an appropriate body or Applicable Organisation, if required under legislation.

26. Responsible Breeding of Dogs and Cats

- (1) A **person** must, when **selling** or giving away a dog or cat, provide details of the dog or cat and details of the new **owner** to **Council** within seven (7) days of **selling** or giving away that dog or cat.

27. Keeping Animals

- (1) An **occupier** of **land** must ensure that any **land** used for keeping an **animal**:
 - (a) is maintained in a clean, inoffensive, and sanitary condition and does not cause a nuisance to any other **person**;
 - (b) is kept to the satisfaction of **Council** or an **Authorised Officer**; and
 - (c) is adequately fenced and the fence maintained to the satisfaction of **Council** or an **Authorised Officer**, so that any **animal** kept on the **land** cannot escape from that **land**.
- (1) An **occupier** of **land** on which an **animal** is kept must ensure that:
 - (a) any structure used for housing of that **animal** is located so as not to cause a nuisance.
 - (b) any structure used for housing of that **animal** is not attached to, or within one (1) metre of, a fence or other structure designed to separate neighbouring **land**;
 - (c) the **land** surrounding the place where the **animal** is kept is free from rubbish or vegetation

that could attract or harbour vermin;

- (d) all **animal** food for consumption is kept or stored in a vermin and fly proof receptacle; and
- (e) all **animal** waste is removed so as not to be offensive or a nuisance to any other **person**.

28. Animal Waste

- (1) An **owner** or **person** in apparent control of an **animal** must:
 - (a) not allow any part of that **animal's** excrement to remain on any **road** (including a **road** reserve, **footpath** or nature strip) or **public place** or any other **land** not occupied by that **person**;
 - (b) ensure that the means by which to collect and dispose of that **animal's** excrement are carried and used by any **person** in apparent control of the **animal** when the **animal** is not on the **property** occupied by that **person**; and
 - (c) not allow any **animal** excrement to be moved (whether by washing, sweeping or otherwise) from any **property** on to a **road** (including a **road** reserve, **footpath** or nature strip).

29. Animal Noise

- (1) An **owner** or **occupier** of any **land** must take all reasonable steps:
 - (a) to **prevent** any **animal** making **unreasonable noise** on the **land**; or
 - (b) to **prevent** any noise caused by an **animal** being emitted from the **land** which in the opinion an **Authorised Officer** is unreasonable or objectionable to a **person** on other **land** or **premises**; or
 - (c) adversely affects the amenity of any **person** on other **land** or **premises**.
- (2) For the purposes of sub-clause (1), in determining whether noise is unreasonable or objectionable or adversely affects the amenity, regard must be had to:
 - (a) its volume, intensity or duration; and
 - (b) the time, place and other circumstances in which it is emitted.
- (3) For the purposes of sub-clause (1), reasonable steps to prevent the noise include (but are not limited to):
 - (a) identifying and modifying stimuli or conspicuous causes of the **animal's** behaviour, and
 - (b) controlling or modifying the physical environment in which the **animal** is kept, and
 - (c) (where the **animal** causing the noise is a dog) the **owner** and the dog participating in behavioural training, and
 - (d) (where the **animal** causing the noise is a dog) using an appropriate anti-barking collar, and
 - (e) obtaining advice from a veterinarian or **animal** behaviourist and implementing that advice, and
 - (f) securing the **animal** within a **dwelling** unless supervised by a **person** capable of **preventing** the **animal** from making unreasonable or objectionable noise, or noise adversely affecting the amenity of any **person** on other **land** or **premises**, and
 - (g) considering removal of the **animal** from the **land** or **dwelling**, and
 - (h) keeping records of any steps taken, including the dates and times that steps were taken and the effectiveness of such steps, and providing those records to the **Council** upon request by an **Authorised Officer**.

30. Feeding of Animals

- (1) If an **Authorised Officer** is of the opinion that the feeding of a non-domesticated **animal** by a **person** is causing a nuisance or may damage **property**, the **Authorised Officer** may direct the **person** to cease feeding the **animal**.
- (2) A **person** to whom a direction is given under sub-clause (1) must comply with that

direction.

31. Wasps and Bees

- (1) An **owner** or **occupier** of **land** must ensure that any European wasp nests on the **land** are destroyed.
- (2) An **occupier** of **land** must ensure that any European honeybees that have a hive or are swarming on the **land** are removed from the **land**, unless the hive is registered with an appropriate body.

PART 4 - Waste

32. Approved Household Waste Bin

- (1) **Council** or an **Authorised Officer** may determine under this clause whether an **approved household waste bin** is to be used for the deposit of waste by the **occupier** of **land**, and the **occupier** of the **land** must comply with any such determination by **Council** or an **Authorised Officer**.
- (2) The **occupier** of **land** to which **Council** provides a waste collection service must:
 - (a) deposit only **designated material** generated at the **land** into a designated **approved household waste bin** to prevent contamination;
 - (b) not place in an **approved household waste bin** anything other than **designated material** which:
 - (i) is wrapped in any manner necessary to render it inoffensive and prevent the protrusion of sharp objects;
 - (ii) is appropriately wrapped and bagged to prevent being caught by wind during the process of emptying the **approved household waste bin**; and
 - (iii) is contained in any other manner approved by **Council** or an **Authorised Officer**.
 - (c) not place any items in the **approved household waste bin** which are likely to damage the bin or the collection **vehicle**;
 - (d) not place any **hazardous substance** in an **approved household waste bin**;
 - (e) not place an **approved household waste bin** out more than two (2) days before the collection day or leave the **approved household waste bin** out for more than two (2) days after the collection day;
 - (f) not place out for collection any **approved household waste bin**, except in accordance with any requirements **prescribed** by **Council** or determined in accordance with this Local Law;
 - (g) upon being directed to do so by **Council** or an **Authorised Officer**, remove or cause to be removed from the **approved household waste bin** any material deposited or caused to be deposited in contravention of sub-clause (2)(b); and not deposit any **designated material** generated at the **land** into a **street litter bin**.
- (3) The **occupier** of **land** must not without the consent of **Council** or an **Authorised Officer**, place more than the permitted number of **approved household waste bin** out for collection and must ensure that the **approved household waste bin**:
 - (a) is positioned on the nature strip or **footpath** adjacent to the kerb, or in any other manner directed by **Council** or an **Authorised Officer** from time to time;
 - (b) does not exceed the maximum gross weight determined by **Council** or an **Authorised Officer** from time to time for the purposes of this clause; and
 - (c) is closed to prevent anything placed in the **approved household waste bin** from escaping.
- (4) The **occupier** of **land** must:
 - (a) keep an **approved household waste bin**:
 - (i) in good order;
 - (ii) in a clean inoffensive and sanitary condition; and
 - (iii) to the satisfaction of **Council** or an **Authorised Officer**;
 - (b) ensure that an **approved household waste bin** is capable of being closed to prevent the contents of the **approved household waste bin** from escaping; and

- (c) maintain the site on which an **approved household waste bin** is located and the location where it is placed for collection in a clean, inoffensive, and sanitary condition.
- (5) The **occupier** of **land** must immediately notify **Council** if their **approved household waste bin** develops a defect, is destroyed or damaged, or is lost or stolen.

33. Waste Collection

- (1) A **person** must not place, or **cause** or allow to be placed, any thing (other than an **approved household waste bin**) on a nature strip or other part of a **road**, except for the purposes of a waste collection service provided by **Council**.
- (2) A **person** must not, without the consent of the **occupier** who placed a thing on a nature strip or other part of a **road** for the purpose of a waste collection service, or the consent of **Council** or an **Authorised Officer**, remove or interfere with any thing left for collection under sub-clause (1).

34. Bulk Rubbish Containers

- (1) A **person** must not, without a **permit**, place a **bulk rubbish container** on a **road** or **Council land**.

35. Trade Waste Bin

- (1) The **occupier** of a commercial or industrial **premises** must provide a **container** for the storage of **trade waste** which is:
 - (a) constructed of impervious materials, watertight and pest proof;
 - (b) emptied before it overflows;
 - (c) removed from any **public place** immediately after the **container** is emptied; and
 - (d) maintained and kept in a clean condition and free from offensive odours.
- (2) A **person** must not place a **trade waste bin** on a **road** for longer than is practically required for the emptying of the **trade waste bin**.
- (3) A **person** must not **cause** any:
 - (a) obstruction; or
 - (b) dangerto any **person** on a **road** when placing a **trade waste bin** on a **road** to be emptied.
- (4) A **person** who has placed a **trade waste bin** on a **road** must repair any damage to the **road** or any **works** in the **road**, including a **vehicle** crossing, that results from placing the **trade waste bin** on the **road** or emptying it.
- (5) The **occupier** of a commercial or industrial **premises** must not deposit **trade waste** into an **approved household waste bin** or a **street litter bin**.

PART 5 – Council Land

(Division 1 - Behaviour)

36. Behaviour on Roads and Council Land

(1) A **person** must not:

- (a) create a nuisance on a **road** or **Council land**;
- (b) act in a manner that is likely to interfere with the reasonable **use** and enjoyment of a **road** or **Council land** by other **persons**;
- (c) act in a manner which endangers any other **person** on a **road** or **Council land**;
- (d) **use** indecent, insulting, racist, offensive or abusive language on a **road** or **Council land**;
- (e) behave in an indecent, offensive, insulting, or riotous manner on a **road** or **Council land**;
- (f) bring onto **Council land** any substance, liquid or powder which may:
 - (i) be dangerous or injurious to health;
 - (ii) have the potential to foul, pollute or soil any part of the **Council land**; or
 - (iii) without the consent of **Council** or an **Authorised Officer**;
- (g) 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;
- (h) act contrary to any restriction, prohibition or direction contained on a sign on a **road** or **Council land**;
- (i) erect, operate or **cause** to be erected or operated any amusement, without a **permit**, on a **road** or **Council land**;
- (j) destroy, damage, interfere with or deface **Council land** or anything located there, without the written consent of the **Council**;
- (k) Destroy, damage, interfere with or deface a **Council** sign;
- (l) act in a manner contrary to any restriction, prohibition or direction contained in the inscription on a sign on **Council land**;
- (m) obstruct, hinder, or interfere with a **Council** staff member in the performance of their duties on a **road** or **Council land**;
- (n) act contrary to any reasonable direction of an **Authorised Officer** or **Council** staff member given on a **road** or **Council land**, including, without limitation, a direction to leave the **road** or **Council land**, whether or not a fee for admission has been paid;
- (o) **use** or interfere with any lifesaving or emergency device located on a **road** or **Council land**, unless using the device in an emergency or participating in instruction or maintenance approved by **Council**;
- (p) make any wager for money or engage in any form of gambling, without a **permit**, on a **road** or **Council land**;
- (q) remain in a **municipal place** while under the influence of alcohol or any prohibited drug; or;
- (r) remain on a **road** or **Council land** after being directed to leave by an **Authorised Officer** or a **Council** staff member.

37. Unreasonable Noise

(1) A **person** must not **cause** or allow **unreasonable noise** to be emitted from **Council land**.

38. Access to a Municipal Place

(1) **Council** or an **Authorised Officer** or a **Council** staff member may determine the hours when any **municipal place** will be open to the public.

- (2) 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, or contractor
 - (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 **toy vehicle** into a **municipal place**, except for:
 - (i) a pram or pusher being used by a child; or
 - (ii) a wheelchair being used by a **person** living with a disability
- (3) A **person** must not act contrary to any reasonable direction of an **Authorised Officer** or a **Council** staff member given in or on a **municipal place**.

39. Smoking in a Smoke Free Area or at a Smoke Free Event

- (1) A **person** must not **smoke a tobacco product** in a **smoke free area** or at a **smoke free event**.
- (2) Where an **Authorised Officer** believes on reasonable grounds that a **person** is contravening or has contravened sub-clause (1), the **Authorised Officer** may direct the **person** to extinguish and then dispose of the **tobacco product**.
- (3) A **person** to whom a direction is given under sub-clause (2) must comply with that direction.
- (4) **Council** may **prescribe** any area within the **municipal district** to be a **smoke free area**.
- (5) **Council** may **prescribe**, or an **Authorised Officer** may determine, any **event** within the **municipal district** to be a **smoke free event**.
- (6) **Council** or an **Authorised Officer** may erect, or cause to be erected, an **acceptable no smoking sign** in a **smoke free area** or at a **smoke free event**.

40. Smoking on Council Land

- (1) A **person** must not **smoke**:
- (a) inside a **building** on **Council land**; or
 - (b) on **Council land** within ten (10) metres of the entrance to a **building** owned, occupied, or vested in **Council** or in respect of which **Council** has the care and management thereof.
- (2) Where an **Authorised Officer** believes on reasonable grounds that a **person** is contravening or has contravened sub-clause (1), the **Authorised Officer** may direct the **person** to extinguish and then dispose of the **tobacco product**.
- (3) A **person** to whom a direction is given under sub-clause (2) must comply with that direction.
- (4) **Council** or an **Authorised Officer** may erect, or cause to be erected, an **acceptable no smoking sign** on **Council land**.

41. Council Sign

- (1) A **person** must comply with any sign erected or installed by or on behalf of **Council** on a **road** or **Council land** or in a **municipal place**.

42. Activities in or on a Reserve

- (1) A **person** must not, without a **permit** or written **Council** approval, in or on any **municipal reserve**:
- (a) **use**, ride, drive or park a **vehicle**, except on a signed or dedicated path or laneway

reserved for such a **vehicle**;

- (b) play, engage in or practise any game or sport, whether or not in accordance with a **permit** issued under this Local Law, in a manner that is:
 - (i) dangerous to any other **person**; or
 - (ii) likely to interfere with the reasonable **use** or enjoyment of any other **person**;
- (c) play or practise golf unless designated or set aside as a golf course;
- (d) **use** any children's playground equipment other than for the purpose for which it was designed;
- (e) conduct any fitness training or health and wellbeing activity for commercial purposes;
- (f) enter upon or remain on any area set aside as a playing ground during the course of the sporting match or gathering, unless they are a player or official or a competitor at the sporting match or gathering;
- (g) undertake any fishing activity;
- (h) drive any **vehicle** in a manner that is:
 - (i) dangerous to any other **person** in the **municipal reserve**; or
 - (ii) likely to interfere with the reasonable **use** and enjoyment of the **municipal reserve** by any other **person**;
- (i) park any **vehicle** in contravention of any parking restrictions that apply in that **municipal reserve**;
- (j) park or drive a **vehicle** other than in an area set aside for that purpose; or
- (k) park or drive a **vehicle** contrary to a direction on a sign in that **municipal reserve**.

43. Camping in Public Places

- (1) Unless in accordance with a **permit**, a **person** must not **camp** in or on any **public place** in a **vehicle**, tent, caravan or any type of temporary or provisional form of accommodation.

Explanatory Note

*Darebin City Council publishes guidelines on homelessness,
which should be read in conjunction with this clause.*

*Darebin City Council respects the rights of people who are sleeping rough.
This clause is not intended to criminalise homelessness.*

PART 5 – Council Land

(Division 2 – Vehicles)

44. Repair of Vehicles

- (1) A **person** must not, without a **permit**, paint or carry out any repairs or maintenance of a **vehicle** on a **road** or **Council land**, other than to enable it to be moved.

45. Display of Vehicles

- (1) A **person** must not, without a **permit**, display a **vehicle** for sale or hire on a **road** or **Council land**.
- (2) **Council** may grant an exemption from sub-clause (1) to a **person** or class of **persons** conducting a business for the sale or hire of **vehicles**.

46. Storage of Vehicles on Council Land

- (1) A **person** must not, without a **permit**, store or allow to be stored a boat, caravan, or trailer in or on **Council land**.

47. Abandoned, Derelict and Unregistered Vehicles

- (1) A **person** must not park or store an abandoned, derelict, or unregistered **vehicle** or **cause** or allow such a **vehicle** to be parked or stored on a **road** or **Council land**.
- (2) Any **vehicle** found on a **road** or **Council land** that is considered by an **Authorised Officer** to be abandoned, derelict or unregistered may be dealt with under the provisions of Schedule 11 of **the Act**.

48. Toy Vehicles and Bicycles

A **person** must not on a **road** or **Council land**:

- (1) **use**, place or leave or allow another **person** to **use**, place or leave a **toy vehicle** or bicycle in such a manner as to interfere with the passage of, or **cause** annoyance or danger to, any **person** on or using the **road** or **Council land**; or
- (2) **use** or allow another **person** to **use** a **toy vehicle** in an area **prescribed** by **Council** to be a prohibited place for the purpose of this clause.

49. Use of Recreational Vehicles in a Public Place

- (1) A **person** must not, in a **public place**, ride or **cause** or allow to be ridden any **recreational vehicle**, except where the **use** is authorised by signs placed on the **land** by **Council** or permitted under an Act or regulation.

50. Behaviour Involving Motor Vehicles

- (1) A **person** must not participate in, encourage, or attend a **hoon event**.
- (2) The driver of a **vehicle** must not stop or park, for the purposes of attending a **hoon event**, within 200 metres of a **motor vehicle** involved in a **hoon event**.

PART 5 – Council Land (Division 3 - Trade)

51. Itinerant Trading

- (1) A **person** must not, without a **permit**, **sell**, or **cause** or allow another **person** to **sell**, from or on a **road** or **Council land**:
 - (a) any goods or services from a **vehicle**, **animal**, stall, or other like structure; or
 - (b) any goods or services carried on the **person**.
- (2) A **person** must, in addition to sub-clause (1), comply with any **permit** conditions and additional requirements in **Council's** Policy.

52. Signage

- (1) A **person** must not, without a **permit** or an appropriate licence agreement, place or allow to be placed a **moveable advertising sign** on a **road** or **Council land**.
- (2) A **person** must, in addition to sub-clause (1), comply with any **permit** conditions and additional requirements in **Council's** Signage Policy.
- (3) Notwithstanding sub-clauses (1) and (2) above, a **person** is exempt from applying for a **permit** or an appropriate licence agreement to place or allow to be placed a **moveable advertising sign** on a **road** or **Council land** if permitted to do so under **Council's** Policy.
- (4) A **person** erecting or locating any type of sign described in **Council's** Policy must comply with any additional requirements or conditions in the Policy applicable to that sign.

53. Street Furniture and Display of Goods

- (1) A **person** must not, without a **permit** or an appropriate licence agreement, place or allow to be placed **street furniture** or display goods on a **road** or **Council land**.
- (2) A **person** must, in addition to sub-clause (1), comply with any **permit** conditions and additional requirements in **Council's** Policy.
- (3) Notwithstanding sub-clauses (1) and (2) above, a **person** is exempt from applying for a **permit** or an appropriate licence agreement to place or allow to be placed **street furniture** or display goods on a **road** or **Council land** if permitted to do so under **Council's** Policy.

54. Clothing Recycling Bins

- (1) A **person** must not, without a **permit**, place a **clothing recycling bin** on a **road** or **Council land** or **public place**.
- (2) A **person** must, in addition to sub-clause (1), comply with any **permit** conditions and **Council's policy** relating to **clothing recycling bins**.
- (3) A **person** or holder of a **permit** to place a **clothing recycling bin** on a **road**, **Council land** or **public place** must not allow items to remain outside the confines of the **clothing recycling bin**.

55. Restrictions on Selling and Displaying Aerosol Spray Paint

- (1) A **person** who as part of their business **sells** aerosol spray paint:
 - (a) must not give away samples of aerosol spray paint to a **person** under eighteen (18) years of age; and
 - (b) must ensure that access and availability by any **person** to aerosol spray paint products, including while they are displayed or stored, is restricted to the **seller** or an employee of the **seller**.

56. Shopping Trolleys

- (1) A **person** must not leave a shopping trolley on a **road** or **Council land**, except in the area

designated by **Council** for the leaving of shopping trolleys.

- (2) A **retailer** who provides shopping trolleys intended for the **use** of customers must ensure that each shopping trolley has a locking mechanism attached to it.
- (3) A **retailer** must ensure that all shopping trolleys left outside the **retailer's** business **premises** when the business is closed, are secured by whatever means necessary to prevent any shopping trolley being used.
- (4) Sub-clause (2) does not apply to a **retailer** who has less than twenty five (25) shopping trolleys available for the **use** of customers.
- (5) A **retailer** may apply in writing to **Council** for an exemption from the application of this provision and **Council** may decide to grant a temporary or permanent exemption.
- (6) **Council** or an **Authorised Officer** or a **person** engaged by **Council** for this purpose may, on behalf of **Council**, seize and **impound** any shopping trolley which is being made available for **use**, or is being used, or has been left on a **road** or on **Council land** in contravention of this Local Law.

57. Street Collection and Distribution

- (1) A **person** must not, without a **permit**, solicit, distribute, or collect any gifts, monies, pamphlets, flyers or subscriptions from a **road** or **Council land**.

Explanatory note:

This section does not intend to criminalise begging

58. Spruiking

- (1) A **person** must not, without a **permit**, spruik, tout, or solicit the sale of any goods or services on a **road** or **Council land** or from any **land** adjacent to a **road** or **Council land**.

59. Busking, Fundraising and Community Awareness Activities

- (1) A **person** must not, without a **permit busk**, fundraise, or conduct a community awareness activity on a **road** or **Council land**.
- (2) A **person** who has a **permit** to **busk**, fundraise, or conduct a community awareness activity on a **road** or **Council land** within a shopping precinct set out in **Council's Policy** must only do so in the commercial activity zone as defined in the **Policy**

60. Filming

- (1) A **person** must not, without a **permit**, conduct or allow any filming for commercial purposes on a **road** or **Council land**.

61. Circuses, Carnivals, Festivals or Events

- (1) A **person** must not, without a **permit** or an appropriate licence agreement, hold or allow to be held a circus, carnival, festival, or **event** on **Council land**.

PART 6 – Protection and Management of Council Assets and Infrastructure

Explanatory note:

Clause 8 of this Local Law exempts:
a) employees of the **Council**, and
b) contractors directly engaged by the **Council**
to undertake **works** or perform a service from the operation of this Part.

62. Maintenance of Drains

- (1) The **owner** or **occupier** of any **land** must ensure that any drain on the **land** or which drains from the **land** and connects to a drain owned or managed by the **Council**:
 - (a) is maintained in a condition that is not dangerous to health, unsightly or a nuisance; and
 - (b) is maintained in a **working** condition.
- (2) The **owner** of any **land** that is developed and on which a groundwater pump and filtration system to pump filtered groundwater into the stormwater system operates must, upon being requested by **Council** to do so, provide **Council** with evidence that the pump and filtration system have been serviced within the previous 12 months and are operating in accordance with relevant standards.
- (3) An **Authorised Officer** may direct the **owner** of **land** to arrange a suitably qualified **person** to service and test the ground water pump and filtration system referred to in clause sub-clause (2), if it has not been serviced within the previous 12 months.
- (4) A failure to comply with a request under sub-clause (2) or a direction under sub-clause (3) is an offence.

63. Protection of Drains

- (1) A **person** must not, -
 - (a) destroy; or
 - (b) damage; or
 - (c) tap intoany drain vested in the **Council**, without a **permit**.

64. Protection of Roads

Explanatory note:

The term **road** includes the **road** reserve, **nature strip**, **footpaths** adjacent to a **road**.

For a full definition of **road**, see the definitions at Clause 10.

- (1) A **person** must not
 - (a) occupy or fence off; or
 - (b) erect a hoarding or scaffolding on; or
 - (c) **use** a mobile crane or travel tower for any **work** on; or
 - (d) make a hole or excavation in; or
 - (e) fill a hole or excavation in; or
 - (f) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on any **road** or part of a **road** under the control of the **Council**, without a **permit**.
- (2) Any **person** that undertakes **work** on a **road** or part of a **road** under the control of the **Council**, must perform the **work** to the satisfaction of the **Council**.

- (3) An **Authorised Officer** may **impound** any object or equipment being used in contravention of sub-clause (1) or in contravention of a **permit** issued under this Local Law.
- (4) The **Council** may exempt:
 - (a) a **person**, or
 - (b) a class of **persons**, or
 - (c) a body corporate from the application of this clause.
- (5) A **person** who makes a hole or excavation in a **road** or part of a **road** under the control of the **Council** must ensure that appropriate signs are displayed in accordance with the applicable Australian Standard.

65. Protection of Assets and Land

- (1) A **person** must not:
 - (a) damage, interfere with, destroy or deface, or
 - (b) undertake an activity which may damage, interfere with or destroy, or
 - (c) build or fill over, conceal or plant vegetation that may **cause** damage near a bridge, fence, **footpath**, nature strip, **road**, **municipal reserve**, service conduit, fire plug, hydrant or other asset vested in or under the control of the **Council**, without a **permit**.
- (2) The **Council** may inspect:
 - (a) any connection to a **Council** asset, or
 - (b) any **works** undertaken within a **road** or easement and
 - (c) impose a fee determined in accordance with clause 83(1) for the connection or inspection.

66. Vehicle Crossings

- (1) The **owner** or **occupier** of any **land** must ensure that:
 - (a) each point of **vehicle** access to that **land** from a **road** has a **vehicle** crossing or laneway access linking that **road** to the **property**, constructed to the satisfaction of **Council**; and
 - (b) no **vehicle** is allowed to enter or leave the **land** except by using the **vehicle** crossing or laneway access referred to in sub-clause (1)(a), or in accordance with an Asset Protection **Permit** issued under clause 68, and
 - (c) a redundant crossing is removed where directed in writing by the **Council**.
- (2) A **person** must not permanently or temporarily construct, remove or alter a **vehicle** crossing:
 - (a) without a Planning **permit** issued in accordance with the *Planning and Environment Act 1987*, or
 - (b) Without an Asset Protection **Permit** issued in accordance with clause 68, or
 - (c) in accordance with a **permit** or written consent provided by the **Council**.
- (3) A **person** who fails to comply with sub-clause (1) is guilty of an offence and must repair any damage caused to the asset or if the **Council** elects, pay to the **Council** the actual or reasonable estimated cost of repairing the damage.
- (4) Any **work** in respect of an asset must be performed to the satisfaction of the **Council**.

67. Spoil on Roads

- (1) A **person** must not allow any soil, earth, mud, clay, liquid waste or like substance to fall or escape onto a **road** from any **vehicle** which they are driving, or from any equipment which they are operating in the course of any trade, industry or commercial undertaking.
- (2) A **person** must not allow any grease, oil, mud, clay or like substance to run off a **motor vehicle** that they are cleaning in the course of any trade, industry or commercial undertaking onto a **road**, or into a drain.

- (3) A **person** must remove any soil, earth, mud, clay, or excrement deposited on a **road** by any **animals** under their effective control.

68. Asset Protection Permits

- (1) On the payment of an application fee determined in accordance with clause 83(1) of this Local Law, the **Council** may issue an Asset Protection **Permit** in respect of any **land** where **building work** is to be carried out.
- (2) A **person** must not commence any **building work** without having an Asset Protection **Permit** issued in respect of the **building work**.
- (3) A **person** must comply with any condition on an Asset Protection **Permit**.
- (4) An Asset Protection **Permit** may allow a **person** to enter **land** from a **road** other than by a permanently constructed **vehicle** crossing whether or not public assets or infrastructure are likely to be damaged.
- (5) The Asset Protection **Permit** may be subject to such conditions as **Council** determines, including (but not limited to):
- (a) requiring protection **works** to be done; or
 - (b) requiring the payment of an Asset Protection Bond; or
 - (c) requiring the erection of temporary fencing to the satisfaction of **Council**; or
 - (d) requiring that any public asset or infrastructure damage be repaired; or
 - (e) replaced or reinstated within a specified time.
- (6) Unless it is renewed sooner, an Asset Protection **Permit** expires on the date specified in the **permit** and if not specified, 12 months after the date of its issue.
- (7) The **owner, builder or appointed agent** must:
- (a) notify **Council** in writing, of proposed **building work** at least seven (7) days before **building work** commences, and
 - (b) provide **Council** with notice in writing of any prior damage to any **road** (including a **road** reserve, **footpath** or nature strip), or other asset at least seven (7) days prior to the commencement of any **building work** or the delivery of any equipment or **building** materials.

Explanatory note:

The owner, builder or appointed agent must notify the Council in accordance with Clause 68 (7), regardless of whether a building permit has been issued.

- (8) The **owner, builder or appointed agent** responsible for **building work** must repair or reinstate any damaged **road**, drain, nature strip, kerb, channel, **vehicle** crossing or other assets vested in **Council** adjacent to the **land** where the **building work** takes place or which is otherwise affected by the **building work**, and any repair **work** must be performed to the satisfaction of the **Council**.
- (9) The amount of any Asset Protection Bond required under clause sub-clause (5)(b) may be determined by resolution of the **Council**, and may take into account:
- (a) the type, size and nature of the **building work** being undertaken; and
 - (b) the total **building** cost of the **work** being undertaken; and
 - (c) the likely impact of the proposed **building** on assets and infrastructure in the vicinity, and any other factor.
- (10) The **permit** holder must notify **Council** within seven (7) days upon the completion of **building work** the subject of the Asset Protection **Permit**.
- (11) Upon notification by the **permit** holder of the **completion of the building work** the subject of the Asset Protection **Permit**, **Council** will inspect **Council's** assets to determine if any

damage has been caused as a result of the execution of the **building work** the subject of the Asset Protection **Permit** and may:

- (a) refund to the **permit** holder, upon **Council's** satisfaction that no damage has been caused to **Council's** assets, or that any damage caused to **Council** assets has been repaired to **Council's** satisfaction, the Asset Protection Bond; or
 - (b) retain all or part of the Asset Protection Bond to offset all or part of the costs of repairing any damage; or
 - (c) refund to the **person** who lodged the Asset Protection Bond, upon **Council's** satisfaction that no damage has been caused, or that any damage caused has been repaired to **Council's** satisfaction.
- (12) For purposes of determining whether any damage to public assets has resulted from the execution of any **building work** on a **property**, failure to provide notice under sub-clause (7)(b) is prima facie proof that there was no existing damage to such assets prior to the **building work** taking place.
- (13) The **Council** may accept an alternative form of security to an Asset Protection Bond.
- (14) Without limiting the operation of this clause, where the **permit** holder has caused damage to assets vested in **Council**, and the cost to repair the damage exceeds the amount of the Asset Protection Bond paid in respect of the **building work** associated with the damage, **Council** may bring proceedings against the **permit** holder to recover the cost of the damage which is in excess of the amount of the Asset Protection Bond.
- (15) An Asset Protection **Permit** may be cancelled if an **owner**, **builder** or **appointed agent** is found guilty of an offence arising from a failure to comply with this Local Law.

69. Identifying Damage to Council Assets

- (1) Inspections of any **Council** assets, whether on private or public **land**, may be conducted at any reasonable time.
- (2) If **Council** identifies any damage that appears to result from non-compliance with this Local Law, an **Authorised Officer** may give a Notice to Comply to any **person** to reinstate the asset or repair any damage within a specified time.
- (3) An **Authorised Officer** may serve the responsible party with a Notice to Comply under sub-clause (2), specifying:
 - (a) the time and date that the damage was observed, and
 - (b) a description of the damage to be repaired, and
 - (c) the date that the repair must be completed by, which must not be less than twenty-eight (28) days from the date of the notice.

PART 7 - Requirements of Building Sites

70. Stormwater Protection

- (1) Where any **building work** is being carried out on any **land**, the **owner, builder or appointed agent** must ensure that the site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, **animal** wastes or gross pollutants, including (but not limited to) measures to:
 - (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting **roads** (including a **road** reserve, **footpath** or nature strip), or washed into the stormwater system; and
 - (b) prevent **building** clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system.

71. Containment of Refuse

- (1) Prior to the commencement of any **building work** and continuing until the **completion of the building work**, the **owner, builder or appointed agent**:
 - (a) must provide a closed facility for the purpose of disposal of **builders' refuse** that may be wind-blown; and
 - (b) must place the facility on the **land** and keep it in place (except for such periods as are necessary to empty the facility); and
 - (c) must not place the facility on any **Council land** or **road** (including a **road** reserve, **footpath** or nature strip) without a **permit**; and
 - (d) must empty the facility whenever full and, if necessary, provide a replacement facility during the emptying process; and
 - (e) must prevent mud and dirt being carried out by **vehicles** from the **building site** onto adjoining **roads** (including a **road** reserve, **footpath** or nature strip); and
 - (f) must ensure that any abutting nature strip remains tidy; and
 - (g) must ensure that no materials, **vehicles** or items are placed on nature strips or other **Council land**, without a **permit**; and
 - (h) must ensure that any **footpath** adjacent to the **land** affected by the **building work**, is kept clear of mud and dirt at all times.
- (2) For the purpose of Part 7, 'facility' means a suitable receptacle for **builders' refuse**, capable of restricting debris and waste from leaving the **building site**.
- (3) The **Council** may exempt:
 - (a) a **person**;
 - (b) a class of **persons**; or
 - (c) a body corporatefrom the application of this clause.

72. Disposal of Builders' Refuse

- (1) Prior to the commencement of any **building work** and continuing until the **completion of the building work**, the **owner, builder or appointed agent** must:
 - (a) ensure that all **builders' refuse** which is capable of being carried by wind is placed in the facility referred to in clause 71(1)(a); and
 - (b) ensure that **builders' refuse** that is not placed in the facility referred to in clause 71(1)(a) is not deposited on any **land** other than the **building site** directly under their control; and
 - (c) ensure that **builders' refuse** is not deposited in or over any part of the stormwater system.

73. Removal of Builders' Refuse

- (1) An **owner, builder** or **appointed agent** must remove all **builders'** refuse from a site where **building work** is undertaken, within twenty-one (21) days of the completion of **building work**.

Explanatory note:

Clause 10 defines what the phrase 'completion of building work' means.

74. Building Site Fencing

- (1) An **owner, builder** or **appointed agent** engaged in **building work** must ensure that the site has adequate site fencing that complies with sub-clause (2).
- (2) For the purposes of sub-clause (1), adequate site fencing means fences or gates of a temporary or permanent nature, that:
 - (a) extends to a height of not less than 1500mm; and
 - (b) is capable of preventing **litter** and **builders'** refuse from being blown from a **building site** by wind; and
 - (c) has only one **vehicle** access opening that:
 - (i) has a width of no greater than 2800mm; and
 - (ii) fitted with a gate with a height of not less than 1500mm which prevents **litter** from being blown from a **building site** by wind; and
 - (iii) which is located to correspond with a **vehicle** crossing referable to the **building site**; and
 - (iv) does not obstruct or encroach upon any **road** (including a **road** reserve, **footpath** or nature strip); and
 - (v) is sufficiently secure to withstand strong winds; and
 - (vi) otherwise does not pose a risk to **persons, property, vehicles** or assets in the vicinity.

75. Sanitary Facilities on Building Sites

- (1) Prior to the commencement of any **building work**, and continuing to the completion of **building work**, the **owner, builder** or **appointed agent** must provide a sewerer toilet or a fresh water flushing portable toilet and ensure that it is serviced and available for the **use** of the **persons** on that site, to the satisfaction of an **Authorised Officer**.
- (2) Notwithstanding sub-clause (1) an **owner, builder** or **appointed agent** may provide a sewerer toilet or a fresh water flushing portable toilet on an adjacent site under the control of the **owner, builder** or **appointed agent**, provided that:
 - (a) no more than three (3) adjacent **building sites** rely on the same sewerer toilet or fresh water flushing toilet; and
 - (b) access to the sewerer toilet or fresh water flushing toilet is available for any **person** working on all three adjoining sites.
- (3) The **owner, builder** or **appointed agent** must advise **Council** within 7 days of the installation of a sewerer toilet and obtain **Council** written consent prior to removing a portable toilet from the site.

76. Identification of Building Sites

- (1) Prior to the commencement of any **building work** and continuing to the completion of **building work**, the **owner, builder** or **appointed agent** must erect and maintain a sign at the main entrance of the **building site** which:
 - (a) is at least 600 millimetres in height and 400 millimetres in width; and
 - (b) is placed in such a location as to be clearly visible and legible from the **road**; and
 - (c) contains the lot number of the site as described in the relevant certificate of title; and
 - (d) identifies the name, postal address and a business hours contact telephone number or

- numbers of the **person** in charge of the **building work**; and
- (e) identifies the Asset Protection **Permit** number applicable to the **building work**.
- (2) If, prior to the **completion of the building work**, there is a change of **builder**, the **owner** must, within seven days of that change:
- (a) give written notice to the **Council**, and
- (b) cause any sign erected in accordance with sub-clause (1) to be replaced or amended so that the identification of the name, postal address and contact number or numbers of the **person** in charge of the **building work** is correct and up to date.
- (3) The notice under sub-clause (2)(a) must specify the date of the change of **builder** and be signed by the **owner**, and the new **builder**.
- (4) From the date of receipt of the notice under clause sub-clause (2)(a), the new **builder** specified in the notice is deemed to be the **builder** for the purposes of this Local Law.
- (5) Despite any rule of evidence, the inclusion of a **person's** name on a sign erected in accordance with sub-clause (1), is prima facie proof that the **person** named is responsible for **building works** on the site within the meaning of this Local Law, unless the contrary is proven.

77. Building Site Work Hours

- (1) A **person** must not without a **permit** carry out any **building work** outside of the **building site work hours**.
- (2) An **owner** or **occupier of land** must not allow any **person** without a **permit** to carry out any **building work** on that **land** outside of the **building site work hours**.

PART 8 - Administration

78. Exercise of Discretion

- (1) In exercising any discretion contained in this Local Law, **Council** and an **Authorised Officer** must have regard to:
 - (a) the objectives of this Local Law; and
 - (b) any other relevant matter.

79. Impounding

- (1) An **Authorised Officer** may seize and **impound** a thing which has been or is being used or possessed in contravention of this Local Law.
- (2) Where a thing has been **impounded** under this Local Law, **Council** or an **Authorised Officer** must, if it is practicable to do so, serve notice of the **impounding** personally or by registered mail on the **person** who appears to be the **owner** of the **impounded** thing.
- (3) If the identity or whereabouts of the **owner** of a thing **impounded** under this Local Law is unknown, the **Authorised Officer** must take reasonable steps to ascertain the **owner's** identity or whereabouts prior to exercising their powers under clause 80.
- (4) 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 evidence to the satisfaction of the **Authorised Officer** being provided of the **owner's** right to the thing; and
 - (c) payment of any fee and reasonable costs of **impounding** determined by **Council** or an **Authorised Officer**.
 - (d) Clause 80 does not apply where the **impounded** thing cannot be kept or possessed in accordance with this Local Law or any Act or regulation.

80. Disposal

- (1) An **Authorised Officer** may **sell**, destroy, dispose of, or give away anything **impounded** under the provisions of this Local Law if:
 - (a) the **impounded** thing has not been surrendered to the **owner** or a **person** acting on the **owner's** behalf within fourteen (14) days of service of the notice of **impounding**;
 - (b) the **owner** of the thing or a **person** acting on the **owner's** behalf has not paid the fee and reasonable costs of **impounding** determined by **Council** or an **Authorised Officer** within fourteen (14) days of service of the notice of **impounding**; or
 - (c) no notice of **impounding** has been able to be served on the **owner** of the **impounded** thing.
- (2) If the **impounded** thing is perishable and will not survive the period specified in sub-clause (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.

81. Permits

- (1) An application for a **permit** under this Local Law must be:
 - (a) submitted in a form approved by **Council** or an **Authorised Officer**; and
 - (b) accompanied by the fee **prescribed** by **Council**, unless waived by **Council** or an **Authorised Officer**, with or without conditions.
- (2) **Council** or an **Authorised Officer** may require an applicant for a **permit** to supply more information before **Council** or the **Authorised Officer** deals with the **permit** application, or to give

notice of the application in a manner specified from time to time by **Council** or an **Authorised Officer**.

- (3) **Council** or an **Authorised Officer** may in their absolute discretion decide:
 - (a) to grant a **permit** with or without conditions; or
 - (b) to refuse a **permit**.
- (4) **Council** or an **Authorised Officer** may cancel a **permit** if:
 - (a) there has been a serious or ongoing breach of the conditions of the **permit**;
 - (b) a Notice to Comply has been issued, but not complied with within seven (7) days after the time specified in the Notice to Comply;
 - (c) there was a material error or misrepresentation in the application for the **permit**;
 - (d) there has been a material error in relation to the issue of the **permit**; or
 - (e) there has been a material change of circumstances which has occurred since the issue of the **permit**.
- (5) **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 of figures or a material mistake in the description of a **person**, thing, or **property** referred to in the **permit**.
- (6) Before cancelling or correcting a **permit** under sub-clauses (4) or (5), **Council** or an **Authorised Officer** must provide the **permit** holder an opportunity to make written submissions on the proposed cancellation or correction.
- (7) **Council** may exempt a **person** or class of **persons** from the requirement to obtain a **permit** under this Local Law.
- (8) Except where expressly stated in this Local Law or in a **permit**, a **permit** expires one (1) year after the date of issue.
- (9) **Council** must keep a register of **permits** and any correction or cancellation of a **permit** must be noted in this register.
- (10) The holder of a **permit** issued under this Local Law must comply with all **permit** conditions and any requirements in a **Council policy** applicable to that **permit**.
- (11) A **person** must not make a false representation or declaration or intentionally omit material information in an application for a **permit** or **permit** exemption.

82. Delegation

- (1) Pursuant to section 78(c) of **the Act**, **Council** delegates all its powers, functions and duties under this Local Law to the **person** holding the position of **Chief Executive Officer**.
- (2) Pursuant to section 78(d) of **the Act**, **Council** authorises the **person** holding the position of **Chief Executive Officer** to delegate a power, function or duty referred to in sub-clause (1) to the holder of an office or position as a member of **Council** staff.

83. Determining Fees and Charges

1. **Council** may from time to time, by resolution, determine the fees and charges to apply under this Local Law, which may include an administrative or processing fee or charge, and **Council** must give reasonable public notice of its resolution to determine or alter fees and charges.
2. In determining any fees and charges, **Council** may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
3. **Council** may waive, reduce or alter any fee, charge, bond, guarantee or payment applying under this Local Law, with or without conditions.

PART 9 - Enforcement

84. Notice to Comply and Verbal 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 a thing or carry out **work** to remedy the thing, which constitutes a contravention under this Local Law.
- (2) A verbal direction given or a Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be done or the **work** carried out.
- (3) The time required by a verbal direction given or Notice to Comply served under this Local Law must be reasonable in the circumstances, having regard to:
 - (a) the amount of **work** involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- (4) 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** by another **person** or carry out the **work** itself and recover the cost of performing the **work** from the **person** who failed to carry out the **work**.
- (5) A **person** may make representations, within ten (10) days after being given a verbal direction or served with a Notice to Comply, to **Council** or the **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.

85. Power to Act in Urgent Circumstances

- (1) Council or an Authorised Officer may, where an owner, occupier, builder, or other relevant person has failed to comply with any requirement of this Local Law, take action considered necessary to **prevent** any danger to the environment or any nuisance arising, provided that:
 - (a) **Council** or an **Authorised Officer** considers the circumstances to be sufficiently urgent and that the time necessary, or potential difficulty in serving a Notice to Comply, may place a **person, animal, property**, or the environment at risk or in danger of substantial detrimental effect; and
 - (b) the **Chief Executive Officer** of the **Council** or their delegate, not being the **Council** Officer administering this clause, approves of the proposed action; and
 - (c) details of the circumstances and of the remedial action taken are as soon as practicable forwarded to the **owner, occupier, builder, or other relevant person**.
- (2) Action taken by **Council** or an **Authorised Officer** under this clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger involved.
- (3) Where **Council** undertakes **work** in accordance with this section, it may recover the cost of performing the **work** from the **owner, occupier, builder, appointed agent** or responsible **person**.

86. Offences and Penalties

- (1) A **person** who:

- (a) contravenes or fails to comply with any provision under this Local Law;
- (b) 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
- (c) contravenes or fails to comply with a verbal direction or Notice to Comply by the date specified in the verbal direction or Notice to Comply

is guilty of an offence and is liable to a penalty of twenty (20) **penalty units**; and a further penalty of one (1) **penalty unit** for each day during which the contravention continues.

87. 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 with the same offence may also be found guilty of that same offence and is liable to the penalty for that offence, unless that **person** proves that **the Act** or omission constituting the offence took place without their knowledge or consent.

88. Operator Onus Offence

- (1) If the **operator** of a **motor vehicle** that is used in the commission of an offence under this Local Law cannot be found or it is impracticable to charge the **operator** with an offence, the registered **owner** of that **motor vehicle**, is guilty of that offence.

89. Infringement Notices

- (1) If an **Authorised Officer** believes on reasonable grounds that a **person** is contravening or has contravened any provision under this Local Law, the **Authorised Officer** may, as an alternative to a prosecution for an offence, serve on that **person** an **infringement notice**.
- (2) The penalties fixed for **infringement notices** are set out in Schedule 1.

90. Guidelines

- (1) The **Council** may from time to time, make guidelines for the purposes of this Local Law.

SCHEDULE 1 - Penalties for Infringement Notices

Clause	Topic	Penalty Unit
	PART 2 – Your Property	
11	Unightly Land	2
12	Dilapidated Building	5
13	Dangerous Land	5
14	Obstructions	2
15	Shipping Containers	2
16	Numbering Properties	1
17	Oversize Vehicles	2
18	Camping on Private Land	2
19	Use of Recreational Vehicles on Private Land	2
20	Lights	2
21	Incinerators, Fires and Open-Air Burning	5
22	Direction to Extinguish Fires	5
23	Restriction on Burning in the Open-Air in Public Places and on Council Land	5
24	Audible Intruder Alarm	2
	PART 3 - Animals	
25	Keeping of Animals Generally	2
26	Responsible Breeding of Dogs and Cats	2
27	Keeping Animals	2
28	Animal Waste	2
29	Animal Noise	1
30	Feeding of Animals	1
31	Wasps and Bees	1
	PART 4 - Waste	
32	Approved household waste bin	1
33	Waste Collection	1
34	Bulk Rubbish Containers	2
35	Trade Waste Bin	2
	PART 5 – Council Land	
	Division 1 - Behaviour	
36	Behaviour on Roads and Council Land	2
37	Unreasonable Noise	2
38	Access to a Municipal Place	2
39	Smoking in a Smoke Free Area or at a Smoke Free Event	2

Clause	Topic	Penalty Unit
40	Smoking on Council Land	2
41	Council Sign	2
42	Activities in or on a Reserve	2
43	Camping in Public Places	2
Division 2 – Vehicles		
44	Repair of Vehicles	2
45	Display of Vehicles	2
46	Storage of Vehicles on Council Land	2
47	Abandoned, Derelict and Unregistered Vehicles	2
48	Toy Vehicles and Bicycles	1
49	Use of Recreational Vehicles in a Public Place	2
50	Behaviour Involving Motor Vehicles	5
Division 3 - Trade		
51	Itinerant Trading	3
52	Signage	1
53	Street Furniture and Display of Goods	2
54	Clothing Recycling Bin	1
55	Restrictions on Selling and Displaying Aerosol Spray Paint	2
56	Shopping Trolleys	2
57	Street Collection and Distribution	1
58	Spruiking	1
59	Busking, Fundraising and Community Awareness Activities	1
60	Filming	5
61	Circuses, Carnivals, Festivals and Events	5
PART 6 – Asset Protection		
62	Maintenance of Drains	5
63	Protection of Drains	
64	Protection of Roads	5
65	Protection of Assets and Land	5
66	Vehicle Crossings	5
67	Spoil on Roads	5
68	Asset Protection Permit	8
69	Identifying Damage to Council Assets	5
PART 7 - Requirements of Building Sites		
70	Stormwater Protection	5
71	Containment of Refuse	5

Clause	Topic	Penalty Unit
72	Disposal of Builders' Refuse	5
73	Removal of Builders' Refuse	5
74	Building Site Fencing	5
75	Sanitary Facilities on Building Sites	5
76	Identification of Building Sites	5
77	Building Site Work Hours	5
	OTHER	
	Any offence not referred to elsewhere in this Table	2