

# Community Local Law 2015



## **State and Commonwealth Legislation (including relevant Rules and Regulations)**

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

*Australian Standard AS 2201.1-1998 Intruder Alarms;*  
*Building Act 1993;*  
*Country Fire Authority Act 1958;*  
*Crown Land (Reserves) Act 1978;*  
*Domestic Animal Act 1994;*  
*Environment Protection Act 1970;*  
*Infringements Act 2006;*  
*Liquor Control Reform Act 1998;*  
*Local Government Act 1989;*  
*Planning and Environment Act 1987;*  
*Public Health and Wellbeing Act 2008;*  
*Road Management Act 2004;*  
*Road Safety Act 1986;*  
*Road Safety Road Rules 2009;*  
*Tobacco Act Amendment 2014*  
*Sentencing Act 1991; and*  
*Victorian Government Gazette.*

If a provision of any document incorporated by reference, or referred to, in this Local Law is inconsistent with any provision in this Local Law (excluding State and Commonwealth Legislation and the Regulations made under that Legislation and any relevant Planning Scheme), the provision in this Local Law prevails.

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## Part 1

### Preliminary

**1. Title**

This Local Law is the Hobsons Bay City Council's Community Local Law and is referred to as this Local Law.

**2. Objectives of this Local Law**

The objectives of this Local Law are:

- a) to provide a safe and healthy environment in which the residents of the **municipal district** enjoy a quality of life and use of **municipal property** that meet the general expectations of the community;
- b) to prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in the **municipal district** and behaviour which may be a nuisance or detrimental to health and safety or adverse to the enjoyment of **municipal property**;
- c) to facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, sale of goods and other services in a way which enhances the environment and quality of life in the **municipal district**;
- d) to control nuisances and **noise**, odour and smoke emissions, and other discharges to the environment which may adversely affect the enjoyment of life in the **municipal district** or the health, safety and welfare of **persons** in the **municipal district**; and
- e) to provide uniform and fair administration of the Local Law.

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

This Local Law is made under Section 111(1) of the **Act** and section 42 of the *Domestic Animals Act 1994*

**4. Operational date of this Local Law**

This Local Law operates from 08 September, 2015.

**5. Date this Local Law ceases operation**

Unless sooner revoked, this Local Law ceases to operate on 08 September, 2025.

**6. Scope of this Local Law**

This Local Law applies to the whole of the **municipal district** except where it is apparent from its wording that it applies to a specified area or areas; and its provisions apply to the extent that they are not inconsistent with any Act, Regulation or **Planning Scheme** applicable to **Council** or the **municipal district**.



7. Words used in this Local Law

Words	Meaning
<b>Act</b>	Means the <i>Local Government Act 1989</i> .
<b>Advertising sign</b>	Means any board, notice, structure, banner, place card, sign, frame, or, card, that advertises an event or a competition used for the purposes of soliciting sales or advertising goods or services or notifying people of the presence of a property where goods or services may be obtained.
<b>Alcoholic beverage</b>	Means a beverage intended for human consumption with an alcohol content greater than 0.5 per cent by volume at a temperature of 20 degrees Celsius.
<b>Agricultural animal</b>	Includes a pig, cattle, horse, donkey, sheep or goat.
<b>Animals</b>	Means any <b>animals</b> including, but not limited to dogs, cats, poultry, <b>domestic birds</b> , pigeons, <b>large birds</b> , domestic mice, domestic rats, guinea pigs, domestic rabbits, domestic fish, domestic turtles, tortoises, frogs, horses, donkeys, cattle, sheep, goats, pigs or any other <b>agricultural animals</b> or domestic <b>animals</b> but does not include a <b>person</b> .
<b>Applicant</b>	Means a <b>person</b> who applies for a <b>permit</b> under this Local Law.
<b>Appropriate fee</b>	Means the fee appropriate to the particular <b>permit</b> or charge determined by <b>Council</b> in accordance with Part 4.
<b>Approved</b>	Means <b>approved</b> by <b>Council</b> .
<b>Assistance dog</b>	Means a dog specifically trained to help people who have disabilities. Those disabilities may include visual difficulties, hearing impairments, Post Traumatic Stress Disorder (PTSD), seizures, ambulatory issues, mental illness, diabetes, autism and more.
<b>Authorised officer</b>	Means a <b>person</b> appointed by <b>Council</b> to be an <b>authorised officer</b> under Section 224 of the <b>Act</b> , and includes the Municipal Fire Prevention Officer.

<b><i>Background noise level</i></b>	Means the background sound level measured in accordance with Australian Standard 1055-1989, titled “Acoustics – Description and Measurement of Environmental Noise” or any <b><i>noise</i></b> measurement standards prescribed under the <i>Environment Protection Act 1970</i> .
<b><i>Barbecue</i></b>	Means an item for cooking food outdoors constructed predominately of metal or other non-flammable material whether powered by gas, electricity, liquid or solid fuel or any combination of them and includes an item for spit roasting when used outdoors.
<b><i>Beach</i></b>	Includes the sanded and non-vegetated foreshore areas of Port Phillip Bay generally between any sea wall where one exists or other vegetated areas where a sea wall does not exist and the waters of Port Phillip Bay at any time on any day and extending between two imaginary lines across those sanded and non-vegetated foreshore areas, the southern line being an imaginary extension of the line of Skeleton Creek crossing any sanded and non-vegetated foreshore area to meet the waters of Port Phillip Bay and extending generally north-easterly and easterly by that shore line and north easterly and north westerly by the shore line of Hobsons Bay to the north eastern line being an imaginary extension of the eastern boundary of Greenwich Reserve.
<b><i>Boat launching facility</i></b>	Means a facility managed or regulated by or for <b><i>Council</i></b> for the purpose of launching or landing boats.
<b><i>Body of water under the control of Council</i></b>	Includes a body of water over which <b><i>Council</i></b> has control or authority by virtue of statutory rights or obligations or proprietary rights or obligations, whether or not within the <b><i>municipal district</i></b> .
<b><i>Builder</i></b>	Means a <b><i>person</i></b> who has applied to <b><i>Council</i></b> or to any other <b><i>person</i></b> for a building <b><i>permit</i></b> , or the <b><i>person</i></b> in charge of any <b><i>building work</i></b> being carried out on a <b><i>building site</i></b> .

<b><i>Builder's refuse</i></b>	Includes any solid or liquid domestic or commercial waste, refuse, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete or rocks and any other waste material, substance or thing generated by or in connection with <b><i>building work</i></b> .
<b><i>Building</i></b>	Includes: <ul style="list-style-type: none"><li>(a) A structure and part of a <b><i>building</i></b> or a structure;</li><li>(b) Fences, walls, out-buildings, service installations and other appurtenances of a <b><i>building</i></b>; and,</li><li>(c) A boat or a pontoon, which is permanently moored or fixed to land.</li></ul>
<b><i>Building site</i></b>	Means any <b><i>land</i></b> on which <b><i>building work</i></b> is being, or is proposed to be, carried out.
<b><i>Building Site Code</i></b>	Means the Building Site Code of Practice adopted by <b><i>Council</i></b> .
<b><i>Building work</i></b>	Means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a <b><i>building</i></b> .
<b><i>Bulk rubbish container</i></b>	Means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance. It does not include containers used in connection with <b><i>Council's</i></b> regular domestic rubbish collections.
<b><i>Busking</i></b>	Means playing a musical instrument and or singing, conferring, juggling, mime, mimicry, dance, puppetry, performance art, recitation and other appropriate, theatrical and visual forms being activities which attract or attempt to attract a donation rather than a fee.
<b><i>Camp</i></b>	Includes reside in overnight.

<b>Chimney</b>	Means a structure built or installed of non flammable material providing a vent for the discharge into the atmosphere of gaseous waste from a fire, heater or stove.
<b>Chief Executive Officer</b>	Means the <b>Chief Executive Officer</b> of <b>Council</b> , or any <b>person</b> acting in that position, and includes a <b>person</b> authorised by the <b>Chief Executive Officer</b> to act on his or her behalf in relation to this Local Law.
<b>Clothing recycling bin</b>	Means a bin or similar structure used for the collection of used clothing, whether or not it is also used for the collection of other goods.
<b>Construct</b>	Includes: (a) To build, rebuild, erect or re-erect; (b) To repair; (c) To make alterations; (d) To enlarge or extend; or (e) To place or relocate.
<b>Co-ordinator of Parking and Local Law services</b>	Means a <b>person</b> appointed by <b>Council</b> to the position of <b>Co-ordinator of Parking and Local Law services</b> or the equivalent position from time to time.
<b>Council</b>	Means the Hobsons Bay City Council.
<b>Council building</b>	Means any <b>building</b> owned by, vested in or under the management of <b>Council</b> .
<b>Council land</b>	Means any <b>land</b> either vested in or under the management of <b>Council</b> including roads, streets, reserves, watercourses and reservations.
<b>Council officer</b>	Means a <b>person</b> who has been appointed a <b>Council officer</b> by <b>Council</b> .
<b>Demolish</b>	Includes remove or replace in position.
<b>Detached dwelling</b>	Means a separate <b>building</b> used, intended to be used, adapted or designed for use for living.
<b>Domestic birds</b>	Means small birds.

<b><i>Divisional director</i></b>	Means a <b><i>person</i></b> appointed by <b><i>Council</i></b> to a position of Director of a Corporate Division or the equivalent position from time to time.
<b><i>Dwelling</i></b>	Means any <b><i>building</i></b> or part of a <b><i>building</i></b> used, intended to be used, adapted or designed for use for living.
<b><i>Electoral material</i></b>	Includes any material relating to voting at Commonwealth, State or Local Government elections or any referenda or polls.
<b><i>Environmental Health Officer</i></b>	Means a <b><i>person</i></b> appointed by <b><i>Council</i></b> to be an <b><i>Environmental Health Officer</i></b> .
<b><i>Film/filming</i></b>	Means the act of recording moving or still images by any means for commercial or other non-personal purposes.
<b><i>Fire ban day</i></b>	Means a day declared a <b><i>Fire ban day</i></b> , either partially or totally in accordance with the Metropolitan Fire Brigades Act 1958.
<b><i>Flat</i></b>	Means a <b><i>dwelling</i></b> that has another <b><i>dwelling</i></b> above, beside or below it, and includes a serviced apartment but does not include either <b><i>dwelling</i></b> of a dual occupancy.
<b><i>Flora</i></b>	Includes tree, plant, shrub, flower or other vegetation.
<b><i>Footpath</i></b>	Means any path that is provided for the use of pedestrians or that is regularly used by pedestrians and not vehicles, or that is a segregated footway or a shared footway.
<b><i>Footpath advertising sign</i></b>	Means all freestanding hoardings including promotion signs, sandwich board signs, fingerboard signs and other like signs placed on a <b><i>footpath</i></b> without being fixed thereto.
<b><i>Foreshore waters</i></b>	Means the area of seawater within 100 metres of the high-water mark along the <b><i>beach</i></b> at any time between further extensions of the southern and north eastern imaginary lines referred to in the definition of <b><i>beach</i></b> in this Clause.

<b>Garbage depot</b>	Means any facility owned or used by <b>Council</b> or used for municipal purposes associated with the disposal, storage or transfer of garbage.
<b>Glass container</b>	Means a container or any part of a container made partly or wholly of glass.
<b>Graffiti</b>	Means any writing, painting, poster or other defacement applied to any surface without the prior consent of the <b>owner</b> or <b>Council</b> .
<b>Habitable room</b>	Any room of a <b>dwelling</b> or residential <b>building</b> other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room, and other space of a specialised nature occupied neither frequently nor for extended periods.
<b>Heavy vehicle</b>	Means a vehicle with a Gross Vehicle Mass (GVM) of 4.5 tonnes or more.
<b>Hire</b>	Includes <b>hire</b> , agree to <b>hire</b> , offer or expose for <b>hire</b> , keeping or having in possession for <b>hire</b> , advertising for <b>hire</b> or directing, causing, suffering, permitting or attempting any of such acts.
<b>Home occupation noise</b>	Means <b>noise</b> from any occupation lawfully carried on within a <b>dwelling</b> .
<b>Incinerator</b>	Means a structure, item or contraption not enclosed in a <b>building</b> which:  (a) Is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; (b) Is not licensed or otherwise subject to control under the provisions of any other Act Is not a <b>barbecue</b> .
<b>Land</b>	Includes vacant, occupied, public or private <b>land</b> and includes anything on that <b>land</b> .
<b>Large birds</b>	Includes any cockatoo, parrot and other similarly sized or larger birds, but does not include poultry, pigeons or small birds.

<b>Library</b>	Means any premises or vehicle or part thereof which is owned by, vested in or used by <b>Council</b> for municipal <b>library</b> purposes or any premises or part thereof which <b>Council</b> causes to be used for municipal <b>library</b> purposes.
<b>Liquor</b>	Means a beverage intended for human consumption with an alcohol content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.
<b>Livestock</b>	Includes horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, ewes, wethers, rams, lambs, goats, swine or other <b>animals</b> or birds raised for domestic or commercial purposes.
<b>Minor building work</b>	Means any <b>land</b> or <b>building work</b> to the value of \$5,000 or less.
<b>Moveable dwelling</b>	Means any tent, caravan or other van or portable item whether on wheels or not or any conveyance structure or thing which is: (a) Designed for use for living; (b) Constructed and transportable in one or more parts; and (c) Capable of being placed on and removed from a site within 24 hours.
<b>Municipal Building Surveyor</b>	Means the <b>Municipal Building Surveyor</b> appointed by <b>Council</b> .
<b>Municipal district</b>	Means the <b>municipal district</b> of the Hobsons Bay City Council as proclaimed under the <i>Act</i> .
<b>Municipal property</b>	Includes any <b>Council land, building, boat launching facility, garbage depot, library</b> or swimming pool.
<b>Noise</b>	Means any sound.
<b>Notice to Comply</b>	Means a <b>Notice to Comply</b> referred to in Clause 10.
<b>Noxious weed</b>	Means any weed declared to be a State prohibited weed or a weed which is prohibited, controlled or restricted under the Catchment and <i>Land Protection Act 1994</i> .

<b>Occupier</b>	Includes any <b>person</b> having the control or management of any premises, whether alone or with other <b>persons</b> .
<b>Outdoor eating facility</b>	Means any arrangement to provide goods, services or comfort to the public, including, but not limited to the use of tables, chairs and umbrellas:  (a) on a road or <b>Council land</b> ; and (b) not being inside a <b>building</b> .
<b>Owner</b>	Means:-  (a) in the case of a vehicle which is registered pursuant to the <i>Road Safety Act 1986</i> , the <b>person</b> in whose name the vehicle is so registered; or (b) in the case of any other vehicle, the <b>person</b> who has the immediate right to possession of the vehicle; or (c) in the case of a <b>building</b> , the <b>owner of land</b> on which the <b>building</b> is situated; or (d) in the case of an animal, a <b>person</b> who keeps or harbours the animal or has the animal in his or her care for the time being, whether such animal is at large or in confinement.
<b>Parking control sign</b>	Has the same meaning as in the Road Safety Road Rules 2009.
<b>Penalty unit</b>	Means the amount set under Section 110 of the <i>Sentencing Act 1991</i> .
<b>Permit/s</b>	Means a <b>permit</b> authorised or required under this Local Law and granted in accordance with the provisions of this Local Law.
<b>Permit holder</b>	Means a <b>person</b> to whom a <b>permit</b> has been granted under this Local Law.
<b>Person/s</b>	Means: (a) a natural <b>person</b> ; (b) a body corporate; (c) an association (incorporated or unincorporated); or (d) a partnership.



<b>Person in charge</b>	Includes the <b>owner</b> of and any <b>person</b> who has the care, custody or control, whether temporary or otherwise, at the relevant time and place, of anything or activity.
<b>Place</b>	When used as a verb, includes allow to remain.
<b>Planning scheme</b>	Means any Planning Scheme relevant to the <b>municipal district</b> and includes the Hobsons Bay City Council Planning Scheme.
<b>Poultry</b>	Includes fowls, ducks, geese, peafowl, pheasants and turkeys of any age but does not include small birds.
<b>Power ski</b>	Includes an aqua scooter, jet bike, wave runner, wave jammer, ski free, motorised surfboard and any similar craft that has an engine used for propulsion.
<b>Premises</b>	Includes the whole or part of any <b>land</b> , <b>building</b> , or any <b>building</b> under construction, whether or not a public place.
<b>Prescribed fee</b>	Means a fee prescribed under Section 113 of the <b>Act</b> .
<b>Private drain</b>	Means any part of any drain or pipe not owned by <b>Council</b> or another public body: (a) on private property; or (b) running from private property to connect to a main drain or pipe and including the connection point.
<b>Procession</b>	Means an organised group of people proceeding along a road or gathering for a ceremony, function or purpose and includes fun runs, bicycle and triathlon events.
<b>Public place</b>	Has the same meaning as in the <i>Summary Offences Act 1966</i> .
<b>Public utility</b>	Means a government or semi-government corporation or undertaking established for the purpose of providing electricity, gas, water, transport, communications or other service to the community.
<b>Racing pigeon</b>	Means a pigeon that is kept by a <b>person</b> who is a registered, current member of a recognised National or State Homing Pigeon Association.

<b>Recreation vehicle</b>	Means a: (a) Mini-bike, trail bike or go-kart; (b) A motor bike, motor-scooter; or (c) Any other vehicle which is propelled by a motor and which is ordinarily used for recreational purposes.
<b>Refuse or rubbish</b>	Includes refuse or rubbish of any description including food waste and discarded food, litter and any offensive matter other than night soil, sewage and manure.
<b>Registered owner</b>	In relation to a vessel, means the <b>person</b> who is recorded as registered <b>owner</b> of the vessel in accordance with the <i>Marine Act 1988</i> or the equivalent legislation in the State or Territory in which the vessel is registered.
<b>Regulations</b>	Means the Local Government Regulations 1990.
<b>Repair</b>	Includes the reconstruction or renewal of any part of an existing <b>building</b> , premises or vehicle for the purpose of its maintenance.
<b>Reservation</b>	Means anything constructed or located on a road which divides the road longitudinally, but does not include a line or series of lines marked on a carriageway.
<b>Reserve</b>	Means any <b>land</b> or part of <b>land</b> within the <b>municipal district</b> which is used for sporting or recreational or aesthetic purposes and includes parks, gardens, playgrounds, tree reserves, garden plots, lawns and ornamental plantations as well as car parks, roads, tracks and other areas within that <b>land</b> or part of that <b>land</b> and includes any <b>beach</b> .
<b>Residential land</b>	Means <b>land</b> which is zoned residential in any planning scheme or which is used for residential purposes or which is available for development for residential purposes.

<b><i>Residential zone</i></b>	Means an area which is designated as a residential zone by the Hobsons Bay City Council Planning Scheme or its equivalent.
<b><i>Road</i></b>	Has the same meaning as in Section 3 of the <b>Act</b> .
<b><i>Rubbish</i></b>	Means rubbish of any description including food waste and discarded food, litter and any offensive matter other than night soil, sewage and manure.
<b><i>Sealed container</i></b>	Means a container sealed at the point of manufacture.
<b><i>Sell</i></b>	Includes sell whether by wholesale or retail or by means of any machine or mechanical item, barter or exchange, agreeing to sell, offering or exposing for sale, seeking or having in possession for sale, sending, forwarding, delivering, or receiving for or on sale or directing, causing, suffering, permitting or attempting any of such acts.
<b><i>Shopping trolley</i></b>	Means a wheeled container or receptacle supplied by a retailer for enabling customers to transport goods.
<b><i>Site management guidelines for construction and subdivision sites</i></b>	Means the <b>Council</b> document titled “Site Management Guidelines for Construction and Subdivision Sites.”
<b><i>Small birds</i></b>	Includes any budgerigar, canary, finch and other similarly sized birds.
<b><i>Special event</i></b>	Means an activity which occupies a <b>municipal property</b> for a purpose or a period other than the normal use of that property and includes the use of the property for weddings, <b>filming</b> or any commercial purpose.
<b><i>Stormwater system</i></b>	Means the stormwater system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.
<b><i>Street</i></b>	Means a road.
<b><i>Street festival</i></b>	Means an organised recreational, cultural, social or commercial gathering of people which is held on a road.

<b>Street party</b>	Means an organised social gathering of people from one or several adjacent roads that is held on a road.
<b>Street tree</b>	Means any tree or shrub situated on any <b>Council land</b> .
<b>Sunken vessel</b>	Means a vessel which is partly or wholly submerged and includes a vessel which is partly or wholly submerged at high tide.
<b>Swimming pool</b>	Means a facility owned by vested in or used or managed by <b>Council</b> for public bathing or swimming purposes, whether managed directly by <b>Council</b> or not, and includes areas of <b>land</b> associated with that facility including all forms of exercise, recreational and associated areas within the enclosure which houses the swimming pool and associated facilities.
<b>Temporary dwelling</b>	Means any tent, caravan or other van or portable item whether on wheels or not or any conveyance structure or thing which is: (a) designed for use of living; (b) constructed and transportable in one or more parts; and (c) capable of being placed on and removed from a site within 24 hours.
<b>Thing</b>	Means: (a) a material object without life or consciousness; an inanimate object or (b) an entity, object or creature that is not or cannot be specifically designated precisely
<b>Toy vehicle</b>	Means a vehicle ordinarily used by a <b>person</b> at play and designed to be propelled by human power, and includes skateboards, roller skates, roller blades and similar items.
<b>Trade waste bin</b>	Means a receptacle used for the storage of industrial waste, trade or commercial waste or rubbish, including, but not limited to, trade waste hoppers and recycling bins.
<b>Traffic</b>	Means the movement of people by foot or in or on vehicles, along, across or within a road.

<b>Traffic control item</b>	Has the same meaning as in the Road Safety (Road Rules) Regulations 1999.
<b>Type A watercraft</b>	Means yachts, catamarans of 4 metres or more in length overall, motor-boats, jet-skis, power-skis, jet-bikes, wave-runners, wave-jammers and other similar vessels or vehicles designed to carry <b>persons</b> on water and primarily or usually propelled by motor or wind, but, not including Type B Watercraft.
<b>Type B watercraft</b>	Means catamarans of less than 4 metres of overall length, windsurfers, sailboards, kite-boards, aqua scooters, motorised surfboards, canoes, dinghies and other similar vessels or vehicles designed to carry <b>persons</b> on water and primarily or usually propelled by motor, wind or <b>person</b> , but, not including Type A Watercraft.
<b>Unit</b>	Means a <b>dwelling</b> that is not attached to or touching another <b>building</b> , and includes a townhouse and a <b>dwelling</b> that forms part of a dual occupancy but does not include a <b>detached dwellin</b> .
<b>Vehicle</b>	Includes a conveyance that is designed to move, to be moved, or to be towed on <b>land</b> ; motor vehicles, trucks, cars, motor cycles and trailers whether registered or not; and an animal that is either driven or ridden; but does not include: <ul style="list-style-type: none"><li>• a train; or</li><li>• a toy vehicle; or</li><li>• a wheelchair or a motorised wheelchair used by an injured or disabled <b>person</b> that is capable of a speed of not more than 7 kilometres per hour.</li></ul>
<b>Vehicle crossing</b>	Means a paved construction designed to facilitate the entry and exit of vehicles: <ul style="list-style-type: none"><li>(a) from a road onto <b>land</b>; and</li><li>(b) from <b>land</b> onto a road;</li></ul> including, but not limited to, driveways.
<b>Vessel</b>	Means a vessel of any kind which is used, or which is capable of being used, in navigation by water, however propelled or moved, including: <ul style="list-style-type: none"><li>(a) A barge, lighter, floating restaurant or other floating vessel; and</li><li>(b) An air-cushion vehicle, or other similar craft, that is used in navigation by water.</li></ul>

***Wind-blown builders' refuse***

Means any ***builders'*** refuse which is, if left outdoors, capable of or susceptible to being blown away without any human intervention by winds of a strength ordinarily encountered within the ***municipal district*** in the course of a year.

## Part 2

### Administration of this Local Law

#### 8. Exercise of discretions

1. In exercising any discretion under this Local Law **Council** must have regard to:
  - a) the objectives of this Local Law; and
  - b) any relevant guidelines or standards.
2.
  - a) **Council** may prepare guidelines for use by **Council**, **Council officers** and other **persons** for the purpose of this Local Law.
  - b) guidelines prepared by **Council** must not be inconsistent with the objectives of this Local Law.

#### 9. Register of determinations

1. Any guidelines prepared or determinations made by **Council** for the purpose of this Local Law must be maintained by **Council** in a register.
2. The register kept under clause 9(1) must be made available upon request for inspection at the office of **Council** during normal office hours.

#### 10. Notice to Comply

1. An **authorised officer** may be serving a **Notice to Comply**, direct **occupier** or other relevant **person** to remedy anything which constitutes a breach of this Local Law, or of any condition of a **Permit** granted by **Council**.
2. A **Notice to Comply** must set out:-
  - a) the situation to be remedied and the remedial action required, and
  - b) a reasonable time for compliance.

#### 11. Failure to comply with a Notice to Comply

A **person** who fails to comply with a **Notice to Comply** directed to them is guilty of an offence.

**12. Power of authorised officers to act in urgent circumstances**

1. An **authorised officer** may in urgent circumstances arising from a failure by any **person** to comply with this Local Law take action to remove, remedy or rectify a situation without the necessity to serve a **Notice to Comply** provided:
  - a) he or she considers the situation to be urgent and that the time delay or difficulty associated with the serving of a **Notice to Comply**, may place a **person**, animal, property or thing at risk or in danger; and
  - b) details of the situation and remedial action are forwarded as soon as practicable to the **person** on whose behalf the action was taken.
2. The action taken by an **authorised officer** under clause 12(1) must not exceed what is necessary to remove or minimise the risk or danger involved.



**13. Impounded items**

1. If an **authorised officer** has impounded an animal or other thing in accordance with this Local Law, **Council** may refuse to release it until the **appropriate fees** and charges for its release have been paid to **Council**.
2. As soon as practicable after impounding any animal or thing an **authorised officer** must serve a Notice of Impounding in a form determined by **Council** on the **owner** or **person** responsible for the item which has been impounded setting out the fees and charges payable and time by which the item must be retrieved.
3. If after the time set out in the Notice of Impounding an impounded item is not retrieved, an **authorised officer** may dispose of the impounded item in accordance with the policy of **Council**.
4. Where the identity or whereabouts of the **owner** or **person** responsible for the impounded item is not known, the **authorised officer** must take reasonable steps to ascertain the identity or whereabouts of that **person** and may proceed to dispose of the impounded item in accordance with clause 13(3) when he or she is satisfied that all reasonable efforts have been made to identify and contact the **owner** or **person** responsible for the impounded item.

**14. Appeals**

Any **person** who is aggrieved by any matter under this Local Law may make a written submission for consideration by **Council**, without in any way affecting his or her obligation to act in accordance with any **Permit**, direction or notice which is applicable under this Local Law.

## Part 3

### Local Law Permits and Parking Permits

The legislation presumes that the purpose for which **permits** will be issued and the conditions on which they will be issued will be set out in the Local Law and not held in reserve

#### 15. Local Law Permits

The purpose of this Part is to ensure the:-

- a) uniformity of **Permits** granted for any matter under this Local Law, and
- b) conformity of **Permit** conditions with relevant **Council** policy and guidelines.

#### 16. Applications for Permits

1. An application for a **Permit** shall be in a form **approved by Council**.
2. Before dealing with an application for a **Permit Council** or an **authorised officer** may require an **applicant** to provide additional information or to give public notice of the application.
3. An application for a **Permit** must be accompanied by the **appropriate fee**.

#### 17. Compliance with Permits

1. Every **person** to whom a **Permit** is granted must do every act and thing as may be necessary to ensure compliance with the **Permit** and its conditions.
2. Any **person** who fails to comply with any requirement or condition of a **Permit** granted to him or her is guilty of an offence.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**18. Correction, amendment, cancellation and suspension**

1. **Council** may correct a **Permit**, if the **Permit** contains:-
  - a) a clerical mistake or an error arising from any accident, slip or omission, or
  - b) a material miscalculation of figures or a material mistake in the description of any **person**, premises or thing referred to in the **Permit**.
2. **Council** may cancel, suspend or amend a **Permit** at any time, if
  - a) it is requested to do so by the **Permit holder**, or
  - b) it considers that there has been:-
    - i. a material mis-statement or concealment of fact in relation to the application for the **Permit**.
    - ii. any material mistake in relation to the grant of the **Permit**, or
    - iii. any material change of circumstances which has occurred since the grant of the **Permit**.
3. **Council** may cancel or suspend a **Permit** at any time if Council is satisfied that there has been a substantial failure to comply with a:-
  - a) **Permit** condition, or
  - b) **Notice to Comply** relating to the premises, item or activity to which the **Permit** relates.

**19. Exemptions**

**Council** may by resolution exempt any **person**, class of **persons**, article, item, or anything from requirement to obtain a **Permit** under this Local Law.

**20. Permit register**

**Council** must keep a register of applications for **Permits** granted under this Local Law.

**21. Permit expiry date**

A **Permit** expires on the date specified in the **permit**, or if no such date is specified a **Permit** expires one year after the date it is granted.

**22. Public utilities**

1. A public utility, or a **person** employed by or acting on behalf of a public utility, is not required to obtain a **Permit** in respect of work which is for the purpose of the public utility.
2. A **person** who, but for this clause, would be required to obtain a **Permit** in respect of any activity must notify **Council** of the activity prior to its commencement.
3. Clause 22(1) does not apply to an independent contractor carrying out construction work for a public utility.

## Parking and Ticket/Resident parking scheme

Ticket machine **permits** are issued to residents for use at the ticket machine areas in Nelson Place and the Williamstown Esplanade. These **permits** allow the holder to park free at the ticket machine areas although time restrictions still apply. Ticket machine **permits** cannot be used in **permit** zones; other restricted parking areas or the boat ramp. Commercial businesses are only eligible to apply for one ticket machine parking **permit**. Resident parking **permits** are issued to residents who live in a street that has timed parking restrictions. The holder can park in any permitted parking within the street specified on the **permit** and within the nearest street.

### 23. General prohibition

The **owner** of and a **person** who leaves a **vehicle** standing in a ticket/resident parking area must not, without first obtaining a **Permit** and then complying with the conditions of any such **Permit**, leave that **vehicle** standing in the ticket/resident parking area:

- a) on a day other than a day;
- b) at a time other than a time; or
- c) for a period exceeding a period;

permitted by **Council**.

#### Penalty

On the spot infringement	0.5 penalty units
Maximum court penalty	2 penalty units

### 24. Resident parking Permits

1. **Council** may set aside an area as a “Resident Parking Area”.
2. A **person** who resides within an area set aside as a “Resident Parking Area” may apply for:
  - a) a Resident Parking **Permit** in respect of a vehicle of which he or she is the sole or joint **owner** or user; and
  - b) a Visitor **Permit** in respect of a Resident Parking Area only.

### 25. Ticket machine parking Permits

A **person** who resides within the **municipal district** may apply for a Ticket Machine Parking **Permit** in respect of a **vehicle** of which he or she is the sole or joint **owner** or user.

**26. Applications for Permits**

1. An **applicant** applying for a **Permit** must lodge with **Council** an application in a form **approved** by **Council**.
2. **Council** may, in its discretion:
  - a) grant a **Permit**;
  - b) grant a **Permit** with conditions; or
  - c) refuse to grant a **Permit**.

**27. Issue and form of Permit**

Any Ticket/Resident Parking **Permit** or Visitor **Permit** granted by **Council** shall be:

- a) in a form **approved** by **Council**; and
- b) effective only upon payment of the **appropriate fee**.

**28. Revocation of Permit**

If, in the opinion of **Council**:

- a) a **Permit holder** has failed to comply with any condition of a **Permit**;
- b) (b) there has been a material mis-statement or concealment of fact in relation to the grant of a **Permit**;
- c) there has been a material change of circumstances since the grant of a **Permit**;  
or
- d) a **Permit holder** no longer resides in the area set aside as a "Ticket/Resident Parking Area".

**Council** may revoke the **Permit**.

**29. Currency of Permit**

Unless it is sooner revoked, a Ticket/Resident Parking **Permit** and a Visitor **Permit** continues in force for the period specified in the **permit** and the **Permit holder** must not assign, transfer or encumber his or her **permit**.

**30. Obligations of Permit holder**

1. A **Permit holder** must affix the relevant **Permit** to the passenger side lower section of the interior of the windscreen of the relevant vehicle;
2. A **person** using a Visitor **Permit** must cause the relevant **Permit** to be hung off the interior rear view mirror of the relevant vehicle;
3. A **Permit holder** and a **person** using a Visitor **Permit** must ensure that all printed material, figures and symbols appearing on the **Permit** are capable of being read by any **person** standing immediately beside the vehicle.

**31. Rights of permit holder**

A **Permit holder** and a **person** using a **Visitor Permit** who affixes and clearly displays the **Permit** and complies with the relevant conditions of the **Permit** shall not breach the general prohibition if the relevant **vehicle** owned or used whether solely or jointly by him or her is left standing in a “Resident Parking Area” for which the **permit** applies.

## Part 4

### Fees, Charges and Costs

A Local Law may provide that a **Council** by resolution may determine a fee, charge, fare or rent in relation to any property, undertaking goods, service or other act matter or thing. In practice fees and charges are not set out in the Local Law rather the above provision is inserted the specific amount of the fee is considered annually as part of **Council's** budget process.

#### 32. Setting fees and charges

1. **Council** may 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 public notice of its resolution to set or alter fees and charges.
2. Where a **Permit** is granted part way through the financial year and is to operate for the balance of that year, **Council** may vary the normal fee or charge by charging a pro rata amount.

#### 33. Differential or structured fees and charges

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.

#### 34. Waiver or alteration to fees and charges

**Council** may waive, reduce or alter any fee or charge with or without conditions.

#### 35. Tenders

In determining the fee for any **Permit**, **Council** may have regard to any tender received from the **applicant** for the **Permit**.



## Part 5

### Safety – people and property

#### 36. Fire hazards

1. An **owner** or **occupier** of any premises, including vacant **land** must ensure that:-
2. All necessary steps are taken to prevent fire on, and to minimise the possibility of spread of fire from those premises;
  - a) the premises are kept free of material or substances likely to assist the spread of fire; and
  - b) grass or undergrowth on the premises does not exceed 150mm in height.

#### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

1. For the purposes of clause 36(1) “material or substances likely to assist the spread of fire” includes undergrowth, scrub, bracken, ferns, weeds, stubble and grass or other vegetation whether alive or dead, or standing or not.
2. In order to ascertain whether there are any materials or substances which constitute or are likely to constitute a fire hazard, or a danger to life or property, on any premises an **authorised officer** may enter on and inspect those premises.
3. Where any material or substance on premises constitutes or is likely to constitute a fire hazard an **authorised officer** may serve a **Notice to Comply** on the **owner** or the **occupier** of the premises or both.
4. Where the **owner** or **occupier** fails to comply with a **Notice to Comply** serviced pursuant to clause 36(4) within 14 days of such service:-
  - a) an **authorised officer**, a member of **Council** staff, or an agent or Contractor acting on behalf of **Council** may enter upon the premises to which the **Notice to Comply** relates and do any act, matter or thing which the **owner** or **occupier** was directed to do in such **Notice to Comply**, and
  - b) the cost of any act or thing done pursuant to clause 36(5) will become a debt due to **Council** and, without limit to any other rights available to it, may be recovered from the **owner** or **occupier** of the premises.

#### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

**37. Unsightly property**

1. An **owner** or **occupier** must not allow such premises to be in a condition which is unsightly or detrimental to the general amenity of the neighbourhood.-
2. Where the condition of any premises is unsightly or detrimental to the general amenity of the neighbourhood an **authorised officer** may serve a **Notice to Comply** on the **owner** or **occupier** of such premises or.
3. A premises will be deemed to be in an unsightly or detrimental condition for the purposes of clause 37(1) and clause 37(2) if the premises:
  - a) contains unconstrained rubbish;
  - b) contains disused excavation material;
  - c) contains grass or undergrowth of a height greater than 150mm;
  - d) by accumulation or hoarding of rubbish, waste or other materials gives the appearance of neglect and is out of character with other properties in the vicinity
  - e) stores or allows to remain a shipping container unless a **permit** has been issued
  - f) is in a condition which is otherwise unsightly and detrimental to the general amenity of the neighbourhood.
4. Where the **owner** or **occupier** fails to comply with a **Notice to Comply** served pursuant to clause 37(2) within 14 days of such service:
  - a) an **authorised officer** , a member of **Council** staff, or an agent, or contractor, acting on behalf of **Council** may enter upon the premises to which the **Notice to Comply** relates and do any act or thing which the **owner** or **occupier** was directed to do in such **Notice to Comply**; and
  - b) the cost of any such thing done pursuant to clause 37(3)(a) will become a debt due to **Council** and, without limit to any other rights available to it, may be recovered from the **owner** or **occupier** of the premises.

**Penalty**

**On the spot infringement**  
**Maximum court penalty**

**3 penalty units**  
**15 penalty units**

### 37a. Dilapidated Buildings

It may be no fault of any property **owner** or **occupier** that a **building** or structure falls into disuse. Well-planned development is supported by **Council** and may take time. However, the community also has a right to preserve the visual amenity of its neighbourhood. Run-down, badly maintained or neglected structures can fall into disrepair, reduce neighbouring property values, encourage unauthorised occupation, attract anti-social or criminal behaviour, and reduce community perceptions of amenity and safety. Consequently, the **Council** requires **owners** and **occupiers** to maintain their **buildings** and structures to avoid these problems.

1. The **owner** or the **occupier** of **land** on which is located any **building** or other structure which is unoccupied, unfit for occupation or normal use, or not occupied most of the time:
  - a) must not **permit** any structure to become dilapidated or further dilapidated;
  - b) must take all reasonable steps to secure the **building** and **land** from unauthorised access, including, if required secure Fencing, more adequate locks and any other security options;
  - c) must take reasonable steps to prevent or remedy the **land** from being a haven for regular anti-social or unlawful behaviour by unauthorised **persons**;
  - d) must maintain any **building** in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect out of character
  - e) with other Allotments in the vicinity;
  - f) must not allow any **graffiti** to remain on any **building**, wall, fence, post or other structure or object erected on that **land**;

Will commit a new offence under this Local Law for every month any breach of this Clause continues unless effective works have been undertaken to remedy any breach.

**On the spot infringement**  
**Maximum court penalty**

**5 penalty units**  
**20 penalty units**

**38. Dangerous land**

1. An **owner** or **occupier** must not allow his or her premises to be kept in a condition which is dangerous.

**Penalty**

<b>On the spot infringement</b>	<b>3 penalty units</b>
<b>Maximum court penalty</b>	<b>15 penalty units</b>

2. Where the condition of any premises is dangerous, an **authorised officer** may enter the property and use whatever assistance is required to make it safe and/or serve a **Notice to Comply** on the **owner** or **occupier** of such premises.
3. Where the **owner** or **occupier** fails to comply with a **Notice to Comply** served pursuant to clause 38(2) within 14 days of such service:
  - a) an **authorised officer**, a member of **Council** staff, or an agent, or contractor, acting on behalf of **Council** may enter upon the premises to which the **Notice to Comply** relates and do any such thing which the **owner** or **occupier** was directed to do in such **Notice to Comply**; and
  - b) the cost of any such thing done pursuant to clause 38(3)(a) will become a debt due to **Council** and, without limit to any other rights available to it, may be recovered from the **owner** or **occupier** of the premises.

**Penalty**

<b>On the spot infringement</b>	<b>3 penalty units</b>
<b>Maximum court penalty</b>	<b>15 penalty units</b>

4. A premises will be deemed to be in a dangerous condition for the purposes of clauses 38(1) and 38(2) if the premises are:
  - a) in the reasonable opinion of **Council** a haven for vermin, **noxious weeds** or insects;
  - b) used without a **permit** for the storage of any substance which is dangerous, or likely to cause a danger to health, life or property; or
  - c) in the reasonable opinion of **Council**, or otherwise in a condition that is likely to cause a danger to health, life or property.

**39. Fencing of vacant land**

1. If any vacant **land** within the **municipal district** presents a danger or contains materials or substances which could present a danger or adversely affect the general amenity of the area in which it is located, **Council** or an **authorised officer** may cause to be served on the **owner** or **occupier** of the **land** a **Notice to Comply**, requiring him or her to enclose the **land** with a suitable fence constructed of the materials and in the manner determined by **Council**.
2. In determining whether to require the erection of a fence and what amounts to a suitable fence, **Council** or an **authorised officer** must have regard to any guidelines determined by **Council**.

**Penalty**

<b>On the spot infringement</b>	<b>3 penalty units</b>
<b>Maximum court penalty</b>	<b>15 penalty units</b>

**40. Chimneys**

1. An **owner** or **occupier** of residential **land** must not cause or allow any **chimney** to discharge dust, grit, ashes or smoke to such an extent that it is dangerous to health or is offensive to another **person**.

**Penalty**

<b>On the spot infringement</b>	<b>3 penalty units</b>
<b>Maximum court penalty</b>	<b>15 penalty units</b>

2. In determining whether a contravention of sub-clause (1) has occurred, an **authorised officer** must have regard to the nature of any complaint received and any observations of the **authorised officer**.

**41. Fires in the open**

Clean air is a part of the amenity of our neighbourhoods and all **persons** need to avoid creating offensive emissions of smoke and odour that may invade neighbouring properties from burning materials in the open.

A **person** must not light, allow to be lit or remain alight, a fire in the open air, unless:-

- a) in accordance with a **Permit**, or
- b) the fire is a wood fire lit in a properly constructed **barbecue** constructed for the sole purpose of cooking food for human consumption, or
- c) the fire is lit by an **authorised officer** or a member of the Melbourne Metropolitan Fire Brigade in the course of his or her duties.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**42. Incinerators**

A **person** must not use, **construct**, erect or install, or **permit** to be used, constructed, erected or installed an **incinerator** on any **land**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**43. Advertising, bill posting and junk mail**

1. An **authorised officer** may remove any letter, figure, item, poster, sign or advertisement, which, in the opinion of the **authorised officer**, has been written, placed or affixed in contravention of the *Environment Protection Act 1970*.
2. An **authorised officer** may direct:
  - a) any **person** who wrote, placed or affixed the letter, figure, item, poster, sign or advertisement; and
  - b) any **person** who in the opinion of the **authorised officer** is the **person** whose product or service is being promoted by the letter, figure, item, poster, sign or advertisement;

to remove the letter, figure, item, poster, sign or advertisement.

3. A **person** other than **Council** must not place in or on any letter box, gate, fence, or generally leave or distribute to any property in the **municipal district**, any handbill, poster, pamphlet, flyer, or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states “no junk mail”, “no advertising material” or words of similar effect.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

4. Clause 43(3) does not apply to delivery of any newspaper or any material folded or inserted into a newspaper or any document issued under, or for the purpose of, any State or Commonwealth Act of Parliament or to **electoral material**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

**44. Mobile billboards**

1. A **person** must not, without a **Permit**, place a mobile billboard on
  - a) a road, a road related to **Council land**; or
  - b) any other location likely to interfere with the vision of a pedestrian or driver
2. For the purposes of sub-clause 44(1) a mobile billboard is an **advertising sign** which is specifically constructed to be part of a motor vehicle or pulled on a trailer by a motor vehicle
3. If a mobile billboard is placed in breach of sub-clause 44(1)
  - a) the **person** who is responsible for the placement, sitting or distribution of the **advertising sign** including without limitation the **person** who engages another whether as an employee or agent to place, site or distribute the **advertising sign**; and
  - b) the **person** who is the promoter of the premises, property, business, event or activity to which the **advertising sign** relates,is guilty of an offence.

**Penalty**

**On the spot infringement**

**5 penalty units**

**Maximum court penalty**

**20 penalty units**

4. **Council** or the **Chief Executive Officer** may, for the purpose of this clause, exempt specified **persons** or class of **persons** or specified signs or advertisements or class of signs or advertisements, from compliance with this clause.



**45. Camping**

1. A **person** must not without a **Permit camp** in the **municipal district** either on **Council land** or any public place in a tent, caravan, vehicle, mobile camper vans or other temporary **dwelling** or makeshift structure unless the **land** is a registered caravan park or camping ground.
2. A property **owner** or **occupier** must not allow any **person** to reside in a caravan or on a property that is not connect to a reticulated sewage system or at anytime if that caravan or van is visible from a public area.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

1. In determining whether to grant a **Permit**, **Council** must have regard to any guidelines determined by **Council**.
2. A **person** must not without a **Permit** locate a caravan, tent, or like structure on private property.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

1. Sub-clause (4) does not apply:
  - a) to the storage on private property of a caravan, tent, or like structure which is not used for human habitation; or
  - b) to the location of a caravan or tent, or like structure on private property for the purpose or in connection with a business regularly carried on at that property in selling or leasing caravans, tents, or like structures.

**46. Clothing recycling bins**

1. A **person** must not without a **Permit** place a **clothing recycling bin** on any **Council land** in the **municipal district**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. A **Permit** is not required under clause 46(1) for the placement of a **clothing recycling bin** in a place to which members of the public do not and might not reasonably be expected to have access.
3. A **person** who places a **clothing recycling bin** on **Council land** in the **municipal district** contrary to this Local Law is guilty of an offence.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

4. In addition to any other conditions, a **Permit** for the placing of a **clothing recycling bin** may:
  - a) include a requirement that a **Permit holder** has a current contract of public liability insurance, and produce evidence of the same on request by an **authorised officer**;
  - b) specify the type, design, construction colour or finish of any bin used for the collection of clothing;
  - c) specify that the bin bears the name and phone number of the **Permit holder** and of any organization for which clothes are being collected;
  - d) specify that the bin be maintained in a good condition and that it be cleared on a regular basis;
  - e) require that the area surrounding any bin be kept in a clean condition;
  - f) limit the number of bins which may be placed pursuant to the **Permit**;
  - g) restrict the location or locations in which a bin may be placed.
5.
  - a) a **person** must not interfere with, deposit rubbish in, or remove any contents from a **clothing recycling bin**.
  - b) this clause does not apply to the **person** on whose behalf the bin was placed or an employee or agent of the **person** who placed the bin or to an **authorised officer**.

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### Penalty

On the spot infringement  
Maximum court penalty

2 penalty units  
10 penalty units

**47. Street tree and tree protection**

1. A **person** other than an **authorised officer** or a **person** authorised by an **authorised officer** must not destroy, cut, trim, prune or otherwise interfere with a street tree.

**Penalty**

On the spot infringement                      4 penalty units  
Maximum court penalty                      20 penalty units

2. A **person** must not without a **permit** destroy or remove any tree that has a trunk diameter greater than 45 centimetres measured 1.5 metres above ground level.

**Penalty**

On the spot infringement                      4 penalty units  
Maximum court penalty                      20 penalty units

**48. Irresponsible driving**

1. Skidding

A **person** must not drive a **vehicle** so as to deliberately cause or attempt to cause a skid or other similar mark on a **road** or in a **public place**.

**Penalty**

On the spot infringement                      4 penalty units  
Maximum court penalty                      20 penalty units

2. Damage to surface of **land**

A **person** must not drive or **permit** to be driven a **vehicle** in such a manner that it creates indentations on or damage to the surface of a **road** or **public place**.

**Penalty**

On the spot infringement                      4 penalty units  
Maximum court penalty                      20 penalty units

**49. Asbestos removal and transport**

1. No **person** other than a licensed asbestos handler may remove material from a **building** or property that contains or is liable to contain asbestos, unless:
  - a) the asbestos is non-friable, not more than 10 square metres in area and its removal does not take longer than one hour in any seven day period, and
  - b) all reasonable precautions are taken, including wetting down of the material immediately prior to its removal and keeping it wet until it is wrapped in plastic, sealed and clearly labelled to indicate the presence of asbestos.

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2. A **person** must transport and dispose of material as soon as possible that contains or is liable to contain asbestos in accordance with the Environment Protection (Industrial Waste Resource) Regulations 2009.
3. Material containing asbestos may include, but is not limited to “cement sheeting”, “fibro” or “AC sheeting”, water or flue pipes and other flexible **building** boards.

### Penalty

On the spot infringement  
Maximum court penalty

5 penalty units  
20 penalty units

## Part 6

### Animals

It is well documented that keeping of companion **animals** and/or pet **animals** can be beneficial to the health and wellbeing of people. On occasions **Council** receives complaints where **animals** of an inappropriate species or number are being kept or where the animal and their accommodation are not being cared for. This alone informs the limits (both statutory and advisory) which apply concerning the number of **animals** and the circumstances in which they can be kept on premises.

#### 50. Keeping animals

1. An **owner** or **occupier** of a premises must not without a **Permit** keep or allow to be kept more than four (4) different types of **animals** or birds on any one premises at any time nor keep, allow to be kept, or remain on any one premises more **animals** or birds than is stated in the following table

Type of Animal	<b>Maximum number allowed on any one premises other than a flat or unit.</b>	<b>A flat or unit</b>
Dogs	2	1
Cats	2	1
Poultry	10	Not permitted
Domestic Birds	10	5
Large Birds	2	Not permitted
Pigeons	10	Not permitted
Racing Pigeons	60	Not permitted
Domestic Mice	2	2
Guinea Pigs or Ferrets	2	Not permitted
Domestic Rabbits	2	Not permitted
Domestic Fish	No maximum limit	No maximum limit
Tortoises, Frogs, etc	No maximum limit	No maximum limit
Horses/Donkeys, etc	0	Not permitted
Cattle	0	Not permitted
Sheep	0	Not permitted
Goats	0	Not permitted
Pigs	0	Not permitted

Any other **agricultural animals** 0 Not permitted

**Penalty**

**On the spot infringement** 2 penalty units  
**Maximum court penalty** 10 penalty units

2. Clause 50(1) does not apply where a Planning Permit has been obtained for premises used for the purposes of **Council** Pound, a Pet Shop, a Veterinary Practice, an Animal Hospital, or an Animal Breeding, Boarding or Training establishment.
3. An **owner** or **occupier** of any premises holding a licence to keep a snake must notify **Council** of the type of snake, the address at which it is kept and any details required by **Council**, or an **authorised officer**.
4. For the purpose of calculating the number of **animals** and birds that are allowed to be kept on any premises without a **Permit**, the progeny of any animal or bird listed shall be exempt for a period of twelve weeks after birth.

**Penalty**

**On the spot infringement** 2 penalty units  
**Maximum court penalty** 10 penalty units

**51. Keeping of horses**

No **person** shall keep or allow to be kept a horse on any **premises** without:

- a) the written consent of the **owner** of the premises; and
- b) a **Permit** obtained from **Council**.

**Penalty**

**On the spot infringement** 2 penalty units  
**Maximum court penalty** 10 penalty units

**52. Poultry houses and pigeon lofts**

1. An **owner** or **occupier** of any premises must not keep or allow to be kept on any such premises any poultry or pigeons in excess of the greater of:
  - a) the number set out in the table to clause 50(1); and
  - b) the number permitted by **Council** in any relevant **permit** granted by **Council**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. An **owner** or **occupier** of any premises must not keep or allow to be kept any poultry or pigeons on any such premises unless the poultry or pigeons are housed in a properly constructed poultry house or pigeon loft or similar structure which is:
  - a) of a height not exceeding 2 metres;
  - b) at least 1.5 metres from the boundary of any adjoining premises; and
  - c) at least 10 metres distance from any **dwelling** whether on the same or on adjoining premises.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

3. An **owner** or **occupier** of any premises must not **construct** or use or cause or suffer or **permit** to be constructed or reconstructed or used any poultry house or pigeon loft on any such premises unless it has adequate roofing, drainage and a floor paved with impervious material to the satisfaction of an **authorised officer** and is constructed in such a way as to be rat proof.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

4. A poultry house or pigeon loft must not be located between the **dwelling** on the premises and the road to which such premises have frontage.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>



**53. Birds generally**

1. An **owner** or **occupier** of any premises must not keep any birds outside a **dwelling** on such premises unless such birds are:-
  - a) kept in a cage or structure of a type **approved** by **Council**;
  - b) not kept within 1.5 metres from the boundary of any adjoining premises;  
and
  - c) not kept within 10 metres from any **dwelling** whether on the same or on adjoining premises.

Nothing in this clause applies to any movable cage in which not more than five (5) birds are kept on a temporary basis in the course of transportation.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. An **owner** or **occupier** of any premises on which birds are kept must maintain all cages or other structures in which the birds are kept in a clean and sanitary condition.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

3. A bird enclosure or cage house must not be located between the **dwelling** on the premises and the road to which such premises have frontage.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

**54. Cleanliness**

An **owner** or **occupier** of any **premises** on which any animal or bird is kept must:

- a) ensure that the ground surrounding the place where the animal or bird is kept is well drained to the satisfaction of an **authorised officer**.
- b) ensure that the area of **land** within 3 metres of the area or structure in which the animal or bird is kept is free from dry grass, weeds, refuse, rubbish or other material capable of harbouring rats or vermin.
- c) ensure that all food for consumption by any animal or bird is kept or stored in a rat proof receptacle.
- d) cause any area where the animal or bird is kept to be thoroughly cleaned and keep the area clean and sanitary at all times to the satisfaction of an **authorised officer**.
- e) cause any animal or bird suffering from any infectious disease communicable to man to be destroyed and disposed of to the satisfaction of an **authorised officer**.
- f) cause all manure, refuse and rubbish produced or accumulated on the premises to be immediately placed in a properly constructed fly and vermin proof container with impervious walls and floor, and
  - (i) maintain the container in a good state of **repair** so as to prevent the escape or leakage of contents;
  - (ii) keep such container at all times covered with a fly and vermin proof lid and effectively deodorise the container and its contents to the satisfaction of an **authorised officer**;
  - (iii) cause the contents of such container to be removed and disposed of to the satisfaction of an **authorised officer** at least once every week; and
  - (iv) maintain such container at all times in a clean and sanitary condition; and
- g) ensure that no feathers, carcass or any part of a carcass of any animal or bird is burnt.

**Penalty**

**On the spot infringement**  
**Maximum court penalty**

**2 penalty units**  
**10 penalty units**

**55. Animal noises**

1. An **owner** or **occupier** of any premises on which any animal or bird is kept must prevent any unreasonable **noise** caused by an animal or bird being emitted from the premises which is objectionable to or adversely affects the amenity of a **person** on any other premises.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. For the purpose of assessing whether any **noise** is unreasonable, objectionable to or adversely affects the amenity of a **person** on any other premises, regard must be had to:-
  - a) its volume, intensity and duration, and
  - b) the time, place and other circumstances in which it is emitted.

**56. Dogs on leash**

The **owner** or **person in charge** of a dog in a **public place** must at all times keep the dog under control by a leash, chain or cord connecting that **person** to the dog unless the **public place** is designated by **Council** signage to be an area where dogs are permitted off-leash or are altogether prohibited.

**PENALTY**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

**57. Animal faeces**

1. A **person** in charge of an animal must not allow any part of that animal's excrement to remain on any road, street, nature strip, reserve or public or **Council land**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. A **person** in charge of an animal that excretes in a public place must immediately collect and dispose of the excrement lawfully as litter so as not to cause a nuisance to any other **person**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

3. A **person** in charge of an animal on any road, street, nature strip, reserve or public or **Council land** must carry a litter bag and produce such litter bag on request by an **authorised officer**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**58. Riding horses on reservations**

1. A **person** must not without a **Permit** ride or lead a horse or cause or authorise another **person** to ride or lead a horse upon a reserve or reservation, other than a reserve or reservation which is signposted as available for such activities.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. Clause 58(1) does not apply to Mounted Police horses.

**59. Written Permission**

1. **Council** may grant a **Permit** for a horse to be ridden or led upon a reserve or reservation where it is necessary and there is no reasonable and safe alternative.
2. The **Permit** granted by **Council** under clause 59(1) may contain any conditions which **Council** considers appropriate.

**60. Livestock grazing on roads**

The **owner** or **person in charge** of any **livestock** must not without a **Permit** allow such **livestock** to graze on any **road**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**61. Droving of livestock**

A **person** must not without a **Permit** drove any **livestock** on any **road** in the **municipal district**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**62. Fencing of premises containing livestock**

An **owner** or **occupier** of any **premises** on which **livestock** are kept must ensure that the fencing of such **premises** is adequate to prevent the escape of that **livestock**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**63. Dogs prohibited on beaches**

A **person** who owns or is in charge of a dog must not take that dog onto Williamstown Beach – between the Life Saving Club and Sirens Restaurant, or Altona Beach – between Romawi and Mount Streets, from 10.00am to 9.30pm on any day, from 1 November to 30 April each year.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**64. Animals in Council buildings**

A **person** must not without a **Permit** bring any animal into, or allow any animal under his or her control, to remain in a **Council building**, except for an **assistance dog**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Part 7

### Disposal of Waste

#### 65. Domestic waste and other waste from premises supplied by Council with receptacles

1. Refuse, rubbish, recycling and green waste
  - a) the **owner** or **occupier** of any premises eligible for a domestic waste collection must:-
    - (i) at all times keep within such premises a receptacle or receptacles provided by **Council** to be used for the deposit and collection of appropriate refuse and rubbish produced or accumulated in or about such premises.
    - (ii) cause all refuse and rubbish produced or accumulated in or about such premises to be placed in the appropriate receptacle or receptacles as soon as practicable after such production or accumulation.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- b) **Council** may by notice in writing under the hand of an **authorised officer** require the **owner** or **occupier** of any premises to utilise a receptacle or receptacles within the time limit specified in such notice and any **owner** or **occupier** to whom any such notice has been given must comply with the terms of the notice within the time limit specified therein.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- c) where a refuse, rubbish, recycling or green waste receptacle is provided by **Council**, the receptacle must;
  - (i) remain at the premises for which it was provided unless withdrawn by **Council** upon the request of the **owner** or **occupier** or by **Council**, and
  - (ii) remain the property of **Council**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Community Local Law

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### 2. Receptacles

- a) unless exempted by **Council**, the **occupier** of any premises supplied by **Council** or its agents with one or more receptacles under this Local Law must use the receptacle or receptacles provided by **Council** or its agents for the storage and disposal of refuse, rubbish, recyclables or green waste.

#### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- b) where a receptacle provided to the premises by **Council** develops any defect or is damaged, lost, stolen or missing the **occupier** of such premises must notify **Council** within twenty-four hours of such occurrence or as soon as practicable on the first **Council** work day thereafter.

#### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty unit

- c) the **owner** or **occupier** of any premises must pay the cost of repair or replacement, as determined by **Council**, of any receptacle which has become damaged or lost through the neglect or wilful act of such **occupier**.
- d) the **owner** or **occupier** of any premises must arrange for and pay the cost of repair or replacement of a non-**Council** or privately owned receptacle.
- e) the **owner** or **occupier** of any premises must place markings on the receptacle of the property that indicate the street number and, in the case of **flats** or units, also the number of each **flat** or unit, including in the event of such markings becoming illegible.

#### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- f) receptacles that have not been provided by **Council** or **approved** by **Council** must not be left for collection of refuse, rubbish, recyclables or green waste from any premises.

**Penalty**

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- g) when required by **Council** or an **authorised officer** the **owner** of any **flat** or unit or commercial property must provide for the use of the **occupiers** thereof within the premises a clearly defined area for the storage of all receptacles, and such area must have separate cubicles, or clearly marked spaces designated by numbers to coincide with the numbering of the **flat** or unit or commercial property.

**Penalty**

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- h) the **occupier** of each **flat** or unit or commercial property must keep the receptacle designated for the use of such **flat** or unit or commercial property in the cubicle or space provided at all times except upon the days appointed by **Council** as rubbish collection days in relation to such premises.

**Penalty**

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- i) the **occupier** of any premises must by 6.00 am on the day **Council** nominates as the day on which refuse, rubbish, recyclables or green waste will be collected from such premises, place the receptacle or receptacles provided for use in relation to such premises in a place close to the property line of such premises or in a similar position suitable for collection or in such other position as directed by an **authorised officer**.

**Penalty**

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units



- j) the **occupier** of any premises;
  - (i) within a court or cul-de-sac must place all receptacles within the straight section of the court or cul-de-sac, or as directed by an **authorised officer**.
  - (ii) within a one-way **street** must **place** all receptacles on the left hand side of the **street** following the direction of travel or as directed by an **authorised officer**.
  - (iii) must place all receptacles 50cm from the kerb and adjacent receptacles, clear of trees, poles, cars and other obstructions, with the rear of the receptacle facing towards the premises, or as directed by an **authorised officer**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- k) the **occupier** of any premises must not leave any receptacle outside the boundary of such premises for more than one day (24 hours), before or after the nominated collection day.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- l) the **occupier** of any premises must **permit** only those types of waste described in a document published by **Council** for that purpose to be placed in the identified receptacle in the required manner.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

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- m) a **person** must not place or cause or **permit** to be placed in a receptacle:
- (i) any liquid waste or any moist refuse unless such moist refuse has been previously drained and effectively wrapped;
  - (ii) any ashes, sawdust or other like substance unless the same is mixed with water to form a consistency of a stiff paste and is effectively wrapped;
  - (iii) any sewage or other matter which could cause injury or danger to any **person**;
  - (iv) any disposable nappies, unless they have been cleaned of all faeces and effectively wrapped;
  - (v) any item of refuse which takes the weight of the contents of a receptacle referred to in clause 65(2)(a) over sixty (60) kilograms any solid, liquid or other material likely to cause damage to the receptacle or waste collection vehicle including but not limited to petroleum based soiled rags;
  - (vi) any needle or needle and syringe and medical waste;
  - (vii) any chemicals or their containers or chemical soiled material;
  - (viii) any excess packaging, plastic or polystyrene; or
  - (ix) any hazardous waste or their containers including but not limited to gas bottles.

### **Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

- n) all refuse or rubbish (with the exception of green waste or recycling) likely to become offensive must be effectively wrapped before being placed in a receptacle.

### **Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

- o) the **occupier** of any premises must cause every receptacle on such premises to be kept at all times clean and disinfected and cause the lid of the receptacle to be kept properly closed except when refuse or rubbish is being placed therein or discharged there from.

### **Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

## Community Local Law

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- p) the **owner** or **occupier** of any premises must keep the footway or pavement adjoining such premises clear of any material falling from a receptacle.

### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- q) the **occupier** of any premises must place each receptacle in a position, in accordance with written advice to the **occupier** by **Council**, in front of the premises or as otherwise specified, that allows collection by a waste collection vehicle.

### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- r) the **occupier** of any premises must ensure that the lid of the receptacle is closed except when refuse is being placed in it, with all waste contained in the appropriate receptacle and not overfilled or jammed so that the waste cannot be freely removed.

### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

3. Weekly commercial cardboard recycling.
- a) the **owner** or **occupier** of any commercial property must register with **Council** and pay a Waste Service Charge within the rates to be eligible for the weekly commercial cardboard collection service.
- b) **Council** has the right to reject any application for registration to use the weekly commercial cardboard collection service.
- c) the **owner** or **occupier** of any commercial property utilising the weekly commercial cardboard collection service must:-
- (i) place no more than 1 (one) cubic metre of cardboard, bundled and tied, on the kerbside by 6.00am on the nominated collection day in bundles manageable by one **person**, in a safe unobtrusive location, easily accessed by the waste collection vehicle, or as directed by an **authorised officer**.
- (ii) store cardboard intended for Weekly Commercial Cardboard Recycling within the premises until the nominated collection day.

### Penalty

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

- d) **Council** may alter the nominated collection day and service conditions or guidelines, and must make known to the users of the service the altered nominated collection day and arrangements.

4. Hard waste provisions

The **occupier** of every premises to which a hard waste collection service is provided by **Council** may place out for collection any hard waste, and must do so in a manner set out in a notice published by **Council** in a newspaper generally circulating in the **municipal district** or as specified in any written advice provided to the **occupier** by **Council**.

For the purposes of these sections waste:

Has the meaning ascribed to it in section 4 of the *Environment Protection Act 1970* as amended from time to time:

any matter whether solid, liquid, gaseous or radio-active which is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment;

any discarded, rejected, unwanted, surplus or abandoned matter;

any otherwise discarded, rejected, abandoned, unwanted or surplus matter intended for recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; and any matter prescribed to be waste.

- a) **Council** may provide for the collection within the **municipal district** of hard waste including tree prunings, and must make known to **occupiers** of premises the date and other particulars of such collection.
- b) a **person** must not place hard waste on any street, nature strip or footway within the **municipal district** or on other **land** or place under the control of **Council**, without permission granted by **Council**, an **authorised officer** or Council Agent (Waste Collection Contractor),

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- c) the **occupier** of any premises must not without prior **Council** approval leave hard waste on the nature strip, street or footway within the **municipal district** more than one day (24 hours) prior to the nominated collection date.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- d) the **occupier** of any premises must comply with any direction given in a **Council** published document or by an **authorised officer**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

5. Non-compliance.
  - a) **Council** may deem the waste within any receptacle, hard waste or commercial cardboard collection or the manner in which the material is placed out for collection as being uncollectible in which case the **owner** or **occupier** of the premises must dispose of the waste in an alternative appropriate manner.
  - b) the **owner** or **occupier** of any premises must comply with any notice given by **Council**, an **authorised officer** or Council Agent (Waste Collection Contractor) within 1 day (24 hours).
  - c) **Council** may remove from a premises any receptacle **Council** has provided for rubbish, recycling or green waste services, where an **owner** or **occupier** has not complied with provisions in clause 65.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- d) any costs incurred by **Council** or its agent (Waste Collection Contractor) as a result of the neglect or wilful act of the **owner** or **occupier** of any premises, may be recovered from such **owner** or **occupier**.

**66. Interference with rubbish, recyclable goods, hard rubbish, weekly commercial or cardboard or green waste.**

1. A **person** must not remove or interfere with any rubbish, recyclable goods, hard rubbish, green waste or commercial cardboard left out on a road for collection by **Council** or its agents.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. Clause 66(1) does not apply to:
  - a) the **owner** of the items;
  - b) **persons** authorised by the **owner** for the items; or
  - c) **persons** authorised by **Council** or an **authorised officer**.

**67. Trade waste and trade waste bins**

1. The **occupier** of any premises must ensure that any trade waste bins associated with the premises are:
  - a) impervious to the escape by the contents of the container by leakage or otherwise and the absorption or accumulation of any rubbish that may be deposited therein.
  - b) water tight, fly proof and vermin proof.
  - c) when required by an **authorised officer**, provided with a removable drainage plug of adequate size in the floor or in the side immediately adjacent to the floor of the container for the purpose of cleaning.
  - d) thoroughly cleaned after each emptying of the contents or as and when required by an **authorised officer**.
  - e) provided with a fly proof and vermin proof close fitting lid or lids with overlapping flanges on top of the container which must be kept continuously closed except when rubbish is being placed therein or discharged there from.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. The **occupier** of any premises, when required by an **authorised officer**, must ensure that the site on which any trade waste bin associated with those premises is stored or kept:
  - a) is provided with an **approved** impervious surface, graded and drained to the sewer or an **approved** outlet with such silt traps or other treatment items as required by such **authorised officer** and supplied with a tap connected to the public water supply and a hose of **approved** size.
  - b) screening of Bins and Hoppers

**Council** may, by notice in writing, direct the **owner** or **occupier** of any **land** to: install; repair; replace; or modify; a fence or other means of screening an **approved** mobile bin or trade waste hopper from public view, if it is of the opinion that the **approved** mobile bin or trade waste hopper is; unsightly, dangerous; or detrimental to the general amenity of the neighbourhood in which it is located and is not adequately fenced or otherwise constructed so as to deny access to the public  
A **person** must comply with a notice issued within the time frame specified in the notice.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

3. The **occupier** of any premises must ensure that the place on which any trade waste bins associated with those premises are stored or kept and the surrounding area is maintained at all times in a clean, sanitary and inoffensive condition.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

4. The **occupier** of any premises must:
- a) not place a trade waste bin out for collection more than 1 day (24 hours) prior to the nominated collection day;

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

- b) must ensure that trade waste bins are replaced on those premises within 1 day (24 hours) after they have been emptied.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

5. The **occupier** of any premises must ensure that all trade waste bins associated with those premises displays a prominent notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

6. It is an offence for any **person** to place any waste or material in a trade waste bin contrary to the notice on that trade waste bin.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**68. Numbering of commercial rubbish receptacles**

The **occupier** of any commercial **premises** must ensure that all **rubbish** receptacles associated with those **premises** that are placed on the **road** are clearly marked with the street number of the **premises**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**69. Placement of commercial rubbish receptacles**

The **occupier** of commercial premises must ensure that all **rubbish** receptacles associated with those **premises** are:

- a) placed adjacent to the kerb;
- b) placed as close as practicable to the kerb;
- c) do not obstruct or interfere with the passage of pedestrians by protruding onto a **footpath** such that there is less than 1.7 metres between the outer edge of the receptacle and the nearest boundary of the adjacent premises; and
- d) not placed in such a manner that they otherwise constitute a danger to pedestrians or vehicles or compromise the safe and convenient use of the road.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**70. Transportation of waste**

A **person** must not convey or cause to be conveyed in any **vehicle** on any **road** in the **municipal district**, any manure, dead animal or remains, offal, bones, hides, skins, offensive matter, **rubbish** or other waste matter unless the **vehicle** is constructed, fitted, loaded and covered so that:

- a) no leakage occurs or other material is dropped or deposited from the vehicle on any street, road or adjacent area: and
- b) the possibility of the escape of offensive odours is minimised.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**71. Disposal of disused refrigerators and other compartments, placing of ice chests, trunks or similar containers**

1. Any **person** who in accordance with any **Act**, Regulation, Local Law or **Council** guidelines places or leaves or allows to remain a disused refrigerator, ice-chest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any **land** in the **municipal district** without first:

- a) removing every door and lid; and
  - b) removing every lock, catch and hinge attached to a door or lid; or
  - c) otherwise rendering every door and lid incapable of being fastened –
- is guilty of an offence under this Local Law.



**Penalty**

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

2. Refrigerators, ice-chests, trunks or similar containers may not be placed on any **land** in contravention of any **Act**, Regulation, Local Law or **Council** guidelines.

**Penalty**

On the spot infringement                      2 penalty units  
Maximum court penalty                      10 penalty units

**72. Maintenance of drains**

1. The **owner** of any premises must ensure that any private drain servicing those premises is maintained in a condition, that is not:
  - a) dangerous to health;
  - b) unsightly; or
  - c) a nuisance.

**Penalty**

On the spot infringement                      3 penalty units  
Maximum court penalty                      15 penalty units

2. A **person** must not discharge or cause to be discharged any material except stormwater into a drain or watercourse which is vested in or under the control of **Council**.

**Penalty**

On the spot infringement                      3 penalty units  
Maximum court penalty                      15 penalty units

**73. Tapping into drains**

A **person** must not without a **Permit** destroy, damage or tap into any drain vested in or under the control of **Council**, or any other public body.

**Penalty**

On the spot infringement                      3 penalty units  
Maximum court penalty                      15 penalty units

**74. Placement of containers**

A **person** must not without a **Permit place** or cause or **permit** another **person** to **place** on or adjacent to a **road** a container for the purpose of disposing of windblown **builder's refuse** or a **bulk rubbish container**.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

**75. Container left on a road**

1. Any **bulk rubbish container** placed on any part of a road contrary to any provision of this Local Law or contrary to any condition of a **Permit** may be removed by an **authorised officer** and impounded.
2. Where a **bulk rubbish container** has been impounded there must be compliance with clause 13.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

## Part 8

### Noise

Noise control is important to balance the expectations of residents for amenity in the local environment with the right of people undertaking lawful activities.

#### 76. Noise from industrial waste collection

A **person** must not collect industrial waste within the **municipal district** except between the following hours:

- a) if one collection is made each week:
  - (i) 6:30 am to 8:00 pm on Mondays to Saturdays;
  - (ii) 9:00 am to 8:00 pm on Sundays and public holidays.
- b) if two or more collections are made each week:-
  - (i) 7:00 am to 8:00 pm on Mondays to Saturdays;
  - (ii) 9:00 am to 8:00 pm on Sundays and public holidays.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

#### 77. Noise from vehicle sound equipment

1. The **owner** and the **person** in control of a vehicle which is parked, standing upon, or being driven along, a road or **Council land**, is guilty of an offence if the volume of any vehicle sound equipment installed in or kept in the vehicle attains a level which causes unreasonable **noise** or which interferes with the reasonable comfort of **persons** within the proximity of the vehicle.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. Without limiting the generality of clause 77(1), vehicle sound equipment will be deemed to cause unreasonable **noise** or interference with the reasonable comfort of a **person** if it can be heard above the **background noise level** at a distance of 10 metres from the vehicle.

**78. Noise from residential premises**

1. A **person** must not-
  - a) without a **Permit**, on **Council land** or in a public place, sound, play, control, operate or use a loud speaker, amplifier, microphone, wireless receiving set or broadcasting set or other like appliance capable of being used for making or amplifying sounds or **noise** so as to cause interference with the quiet enjoyment by any other **person** using that **Council land** or public place;

or

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

- b) emit or cause or suffer to be emitted from any residential premises any **noise** from any item during a prohibited time as set out in the following table and that can be heard in a **habitable room** in any other residential premises, regardless of whether any door or window giving access to that room is open –

Group	Items	Prohibited Times
1.	A <b>vehicle</b> (except a <b>vehicle</b> moving in or out of <b>premises</b> ), lawn mower or other grass cutting appliance and any equipment or other appliance not falling within Group 2, having an internal combustion engine.	Monday to Friday: before 7.00am and after 8.00pm.  Weekends and public holidays: before 9.00am and after 8.00pm.
2.	An electric power tool, chain or circular saw, gas or air compressor, pneumatic power tool, hammer and other impacting tool or grinding equipment.	Monday to Friday: before 7.00am and after 8.00pm.  Weekends and public holidays: before 9.00am and after 8.00pm.
3.	A domestic air conditioner, or evaporative cooler, heat pump, swimming pool pump, spa pump, water pump – other than a pump being used to fill a header tank, domestic heating equipment (including central heating and hot water systems) and a domestic vacuum cleaner.	Monday to Friday: before 7.00am and after 10.00pm  Weekends and public holidays: before 9.00am and after 10.00pm.



**Penalty**

**On the spot infringement**                      **3 penalty units**  
**Maximum court penalty**                      **15 penalty units**

2. The **owner** or **occupier** of a business premises, including, but not limited to a factory, shop, supermarket, or service station, must not allow **noise** associated with the delivery of goods of any description to those premises, including, but not limited to vehicle **noise**, to be audible in a **habitable room** in any residential premises, regardless of whether any door or window giving access to that room is open, outside the hours of 7:00am to 10:00pm – Monday to Saturday, and 9:00am to 10:00pm – Sundays and Public Holidays.

**Penalty**

**On the spot infringement**                      **3 penalty units**  
**Maximum court penalty**                      **15 penalty units**

**81. Noise from intruder alarms**

1. An **owner** or **occupier** of any premises must not install or **permit** or allow to be installed or cause to be retained in an active state at or upon any such premises any intruder alarm which emits a **noise** audible beyond the boundary of the premises, unless such alarm is so constructed or regulated as to ensure that:-
  - a) whenever a detection device is activated the intruder alarm is automatically rendered inaudible beyond the boundary of the premises within 10 minutes of it being activated;
  - b) the intruder alarm cannot re-activate until the detection device has been manually re-set.

**Penalty**

**On the spot infringement**                      **3 penalty units**  
**Maximum court penalty**                      **15 penalty units**

2. The **owner** or **occupier** of any premises containing an intruder alarm, which does not comply with such requirements, may be directed by **Council** or an **authorised officer** to:-
  - a) adjust the alarm, or have it adjusted, to comply with such requirements;
  - b) replace the alarm with an alarm that complies with such requirements; or
  - c) permanently disconnect the alarm, or have it permanently disconnected.
3. Any **person** who fails to comply with such a direction is guilty of an offence.

**Penalty**

**On the spot infringement**                      **3 penalty units**  
**Maximum court penalty**                      **15 penalty units**

## Part 9

### Smoking and alcohol

Smoking is illegal in enclosed public places, workplaces, outdoor areas, underage events and covered areas of public transport stops or stations in accordance with the *Tobacco Act Amendment 2014*.

#### 82. Restrictions relating to smoking in the Municipality

1. The **Council** may designate any area or areas within the **municipal district** within which a **person** must not smoke and the times and dates during which such restrictions are to be in place.
2. Any designation of areas, times and dates under sub-clause (1) must be published by the **Council** by giving public notice at least 14 days before the restrictions are to be introduced by:
  - a) giving notice in a newspaper generally circulating throughout Victoria of the restrictions to be introduced;
  - b) posting notices on a publicly accessible notice board at the principal office of the **Council**; and
  - c) retaining a copy of the public notice in the register of determinations to be kept with this Local Law from the date of the notice until the restrictions have ceased to operate.
3. The **Council** must cause any area designated under sub-clause (1) to be signposted with sufficient signs to reasonably notify a **person** entering the area designated under sub-clause (1) or (2) of the nature of any such restrictions.
4. A **person** must not smoke:
  - a) on a **beach**; or
  - b) in a children's playground designated under sub-clause (1) during the time and on the dates during which restrictions are in place.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**83. Restrictions relating to alcoholic beverages**

1. **Council** may designate any area or areas within the **municipal district** into which **alcoholic beverages** must not be taken and the times and dates during which such restrictions are to be in place.
2. **Council** may designate any area or areas within the **municipal district** within which a **person** must not consume any **alcoholic beverage** or have in his or her possession any **alcoholic beverage** in an unsealed container and the times and dates during which such restrictions are to be in place.
3. Any designation of areas, times and dates under clauses 83(1) or 83(2) must be published by **Council** by giving public notice at least 14 days before the restrictions are to be introduced by:
  - a) giving notice in a newspaper generally circulating throughout Victoria of the restrictions to be introduced;
  - b) posting notices on a publicly accessible notice board at the principal office of **Council**; and
  - c) retaining a copy of the public notice in the register of determinations to be kept with this Local Law from the date of the notice until the restrictions have ceased to operate.
4. **Council** must cause any designated area to be signposted with sufficient signs to indicate to any **person** entering the area designated under clauses 83(1) or 83(2) the nature of any such restrictions and the times and dates during which such restrictions are in place.
5. A **person** must not without a **Permit** take any **alcoholic beverage** into an area designated under clause 83(1) during the time and on the dates during which restrictions are in place.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

6. A **person** must not have in his or her possession or under his or her control any unsealed container of **alcoholic beverage** or consume any **alcoholic beverage** in an area designated under clause 83(2) during the time and on the dates during which restrictions are in place.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>



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7. Except in accordance with a **permit** granted by **Council** or an **authorised officer** or on licensed premises, a **person** must not or within any **Council building**:
- a) consume any **alcoholic beverage**; or
  - b) have in his or her possession or control any **alcoholic beverage** other than **alcoholic beverage** in a sealed container; or
  - c) sell any **alcoholic beverage** to any **person**.

Unless it is an event or occasion sponsored or conducted by **Council**

### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Part 10

### The management of roads

Although this Clause refers to **Council land** and roads, most examples of unauthorised occupation occur where privately owned **land** adjoins public **land**. Every landowner enjoys the general right to control the use of their own **land**. Encroachment across property boundaries is unlawful without permission and can lead to financial loss. **Council** has a responsibility to protect public **land** in the long-term interest of the community and the environment.

### Obstructions to the free passage of people and goods

#### 84. Trees and plants not to obstruct or obscure or damage

1. An **owner** or **occupier** of a premises must not allow any tree or plant in or growing on the premises to obstruct or interfere with the passage of pedestrians or traffic by:
  - a) overhanging or protruding onto or above part of the road (including a **footpath**) at a height of less than three metres from the level of the road;
  - b) extending over any part of the road in such a way that it:
    - (i) obstructs the view between vehicles at an intersection;
    - (ii) obstructs the view between vehicles and pedestrians where they come close to each other;
    - (iii) obscures a traffic control item from an approaching vehicle or pedestrian; or
    - (iv) obscures any street lighting.
  - c) obstructing the view between vehicles and trains at a railway level crossing which does not have gates, booms or flashing lights; or
  - d) otherwise constituting a danger to vehicles or pedestrians or compromising the safe and convenient use of the road.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. An **owner** or **occupier** of a premises must not allow trees or plants on those premises to cause damage to or interfere with **Council land** or any **building** or fixture or other erection on **Council land**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3. An **owner** or **occupier** of a premise must not landscape or place plants in a nature strip, except in compliance with the **Council's** Nature Strip Landscaping Guidelines.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**85. Placing of signs and posts**

A **person** must not **place** a sign, post or other similar object in such a way that it causes an obstruction of a type referred to in clause 84(1).

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**86. Fences at intersections**

1. An **owner** or **occupier** of any premises must not **construct** or allow to remain in place a boundary fence at an intersection of roads which interferes with or obstructs the clear visibility of vehicles or pedestrians at that intersection.
2. An **owner** or **occupier** must not within 4 metres of a street alignment **construct** or allow to remain in place a side fence of height greater than 1.2 metres and which is beside a driveway or vehicle access way from a premises.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**87. Property numbers to be displayed**

The **owner** or **occupier** of any **premises** that has been allotted a property street number by **Council** must mark the **premises** with the number allotted. The marking of the property street number must be of sufficient size, in such a position, made of such material and kept in such state of **repair** as to be clearly visible and legible from the **road** under all normal lighting conditions.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Vehicle crossings

### 88. A Vehicle Crossing Is Required

1. The **owner** of any premises must ensure that each point of vehicular access from a carriageway on a road to the premises has a properly constructed vehicle crossing.

#### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

2. For the purposes of this clause, a vehicle crossing is properly constructed if it is constructed:
  - a) to a workmanlike standard;
  - b) in accordance with all applicable laws; and
  - c) in accordance with the terms and conditions of any relevant **permit** issued by **Council**.
3. If a **person** fails to comply with a direction to repair or re-instate a vehicle crossing, **Council** may carry out the necessary work and the cost of such work must be paid by the **owner** of the **land** or it will become a debt due to **Council** and, without limit to any other rights available to it, may be recovered from the **owner** of the premises.
4. The **owner** of a premise is responsible for the care and maintenance of all vehicle crossings servicing such premises and must carry out any works that may be necessary from time to time to maintain crossings in good repair.

#### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

5. An **authorised officer** may direct an **owner** of a premise to **construct**, rectify, re-instate, remove or modify a vehicle crossing servicing those premises.
6. A **person** who does not comply with a direction under clause 88(5) is guilty of an offence.

#### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

7. If a **person** fails to comply with a direction under clause 88(5), **Council** may carry out the necessary work and **Council** may direct the **owner** of the premises to pay for the cost of such work.

8. If a **person** to whom a direction is given under clause 88(7) fails to pay for the cost of the work within 14 days of such direction, the cost of the work will become a debt due to **Council** and, without limit to any other rights available to **Council** may:
- a) be recovered from the **owner** or **occupier** of the premises; and/or
  - b) deduct the cost of the work from any bond held by **Council** in relation to the premises.
9. A **person** in charge of a vehicle that:
- a) leaves a road to go onto private **land**; or
  - b) leaves private **land** to go onto a road;
- other than by use of a properly constructed **vehicle crossing** is guilty of an offence.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

**89. A permit is required**

A **person** must not alter, **construct**, rectify, remove or re-instate a temporary or permanent **vehicle crossing** without a **Permit**.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

**90. Temporary vehicle crossings**

1. Where it is likely that **building work** on any premises will involve vehicles leaving the carriageway or entering the premises, the **owner** of the premises or the **person** responsible for the **building work** must obtain a **Permit** for the construction of a temporary vehicle crossing which protects the existing road, kerb, drains and **footpath** and must **construct** a temporary crossing in accordance with the **Permit**.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

2. The **owner** of the premises or the **person** responsible for the **building work** must repair any damage to the vehicle crossing and any other part of the road.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

3. The **owner** of the premises or the **person** responsible for the **building work** must pay a bond to **Council**.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

4. The amount of the bond required under clause 90(3) must be proportionate to the cost of repairing any likely damage and must be refunded on completion of the work in the event of no damage occurring or may be retained by **Council** to offset the cost of repairing any damage.
5. An **authorised officer** may exempt any **person** from the requirement to obtain a **permit** or pay a bond if it is unlikely an existing driveway, crossing, **footpath**, kerb or other part of a road will be damaged in the course of such **building work**.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

**91. Redundant vehicle crossings**

1. Where **building work** on any premises involves the relocation or closure of a point of vehicular access, the **owner** or **occupier** of the premises must cause any redundant part of a vehicle crossing to be removed and the kerb, drain, **footpaths**, nature strip or other part of the road must be reinstated to the satisfaction of **Council**.
2. **Council** may require the **owner** or **occupier** of any premises to remove any part of or all of a vehicle crossing for which there is no effective point of vehicle access and to reinstate the road.

**Penalty**

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

## 92. Vehicle crossings and building works

In relation to any **building work** on any **land**, the **Council's** objectives are to secure community safety, protect public assets, enhance neighbourhood amenity and simultaneously provide support for appropriate **building** development and investment.

1. The **owner** of a premises must ensure that no vehicle enters or leaves the premises in the course of **building work** unless:
  - a) **Council** has been given at least seven (7) days written notice that **building work** on the premises may require vehicles to enter and leave the premises;
  - b) a bond in the amount set by **Council** from time to time has been paid to **Council** in relation to the **building work**; and;
  - c) if there is a permanent vehicle crossing servicing the premises, there must be a properly constructed temporary vehicle crossing which adequately protects the road, kerb, drains and **footpath**.

### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

2. The **person** responsible for **building work** on a premises must ensure that no vehicle enters or leaves the premises in the course of the **building work** unless:
  - a) **Council** has been given at least seven (7) days written notice that **building work** on the premises may require vehicles to enter and leave the premises;
  - b) a bond in the amount set by **Council** from time to time has been paid to **Council** in relation to the **building work**; and;
  - c) if there is a permanent vehicle crossing servicing the premises, there must be a properly constructed temporary vehicle crossing which adequately protects the road, kerb, drains and **footpath**.

### Penalty

On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

3. The **owner** of a premise must ensure that no damage is caused to a vehicle crossing, kerb, drain, **footpath**, or any other part of the road in the course of **building works** on the premises.
4. The **person** responsible for **building work** on premises must ensure that no damage is caused to a vehicle crossing, kerb, drain, **footpath**, or any other part of the road in the course of the **building works** on the premises.

5. An **authorised officer** may direct an **owner** of a premise to repair a vehicle crossing, kerb, drain, **footpath**, or any other part of the road damaged in the course of the **building works** on the premises.
6. A **person** who does not comply with a direction under clause 92(5) is guilty of an offence.
7. If a **person** fails to comply with a direction under clause 92(5), **Council** may carry out the necessary work and direct the **owner** of the premises to pay for the cost of such work.
8. If a **person** to whom a direction under clause 92(7) fails to pay for the cost of the work within 14 days of such direction, the cost of the work will become a debt due to **Council** and, without limit to any other rights available to it, **Council** may:
  - a) become a debt due to **Council** and, without limit to any other rights available to it, may be recovered from the **owner** or **occupier** of the premises, and/or
  - b) deduct the cost of the work from any bond held by **Council** in relation to the premises.
9. The amount of the bond required under clauses 92(1) and 92(2) must be proportionate to the reasonable cost of repairing any likely damage.
10. Upon completion of all **building work** on premises, **Council** must, upon demand, refund the balance of any bond paid under clauses 92(1) or 92(2) less the cost of any required repairs under clause 92(7).
11. Clauses 92 (1) (b), 92(1) (c), 92(2) (b) and 92(2) (c) do not apply if an **authorised officer** has granted an exemption in writing to the **owner** of the premises.
12. For the purposes of this clause, a vehicle crossing is properly constructed if it is constructed:
  - a) to a workmanlike standard;
  - b) in accordance with the Law; and
  - c) in accordance with the terms and conditions of any relevant **permit** issued by **Council**.



## Control of shopping trolleys

### 93. Leaving shopping trolleys

A **person** must not leave or cause or authorise another **person** to leave a **shopping trolley** on any **footpath, reservation**, bicycle path, other part of a **road** or on any **reserve** or **Council land** except:-

- a) in an area designated by **Council** for the purpose; or
- b) in an area designated for the purpose by the **owner** of the store from which the shopping trolley was obtained or **land** under the control of such **owner**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

### 94. Abandoned shopping trolleys

1. Any shopping trolley left on a **footpath**, reservation, bicycle path, other part of a road or on any reserve or **Council land** contrary to the provisions of clause 94, may be removed by an **authorised officer** and impounded.
2. When a shopping trolley has been impounded, there must be compliance with clause 13.

## Control of toy vehicles

### 95. Use of toy vehicles

1. **Council** may by resolution designate areas in which toy vehicles must not be used, and **Council** must maintain a copy of all such resolutions in its register of determinations relevant to this Local Law.
2. If **Council** designates areas in which toy vehicles must not be used, it must erect signs in or on the areas designated by it indicating that toy vehicles must not be used in such areas.
3. A **person** must not use a toy vehicle in an area designated by **Council** under clause 95(1).

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

### 96. Conduct when using a toy vehicle

Any **person** who uses a **toy vehicle** or causes or authorises another **person** to use a **toy vehicle** on a **road** must ensure that the use does not inconvenience, obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the **road**, whether in or on another vehicle or not.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Abandoned and unregistered vehicles

### 97. Abandoned and unregistered vehicles

1. A **person** must not leave an unregistered vehicle or abandon any vehicle on any road or on any **Council land** within the **municipal district**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Mobile cranes and heavy vehicles

### 98. Mobile Cranes

A **person** must not use or cause to be used any mobile crane on any **Council land** without first obtaining a **Permit** from **Council**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**99. Off street parking of heavy vehicles**

1. Subject to clause 99(2) a **person** must not stop a **heavy vehicle** on any **land** in an area zoned primarily for residential purposes under the planning scheme without a **permit** allowing the vehicle to be kept at/on such **land**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. Clause 99(1) does not apply to **land** which is a road.
3. An **owner** or **occupier** of such premises must not allow a **heavy vehicle** to stop or be kept on any such premises in an area zoned primarily for residential purposes under the planning scheme without a **permit** allowing the vehicle to be kept at the premises.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

## Part 11

### Secondary Activities on Roads

#### Occupation of road for works

##### 100. A permit is required

1. A **person** must not without a **Permit**:
  - a) occupy or fence off any part of a road;
  - b) erect a hoarding or overhead protective awning on a road;
  - c) use a mobile crane or travel tower on a road;
  - d) make a hole or excavation in or on a road;
  - e) re-instate a hole or excavation in or on a road;
  - f) pave or re-pave a road;
  - g) make markings on a road;
  - h) modify a road, whether structurally or cosmetically; or
  - i) deposit any **building**, paving or other construction materials in or on a road.

##### Penalty

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

2. An application for a **Permit** must be in the form determined by **Council**.
3. The **person** responsible for the work or activity described in clause 100(1) must pay a bond to **Council** in the manner and amount determined by **Council** from time to time.

##### Penalty

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

4. **Council** must refund any bond paid, pursuant to clause 103(3) on completion of the work less the actual or estimated cost of repairing any damage to a road caused by the work or activity.

**101. Re-instatement works**

1. Any **person** responsible for interference with a road described in clause 102 (1) must re-instate any part of the road damaged or affected by work of a type listed in clause 101 (1) in accordance with any conditions contained in the **Permit** and in order to rectify any damage done.
2. The fees to be applied in respect of reinstatement work will be those determined by **Council**.
3. **Council** must arrange all permanent reinstatements unless permission in writing is given for any other **person** to perform the work.

**102. Impounding of equipment**

1. Where any equipment or other item is being used for work in contravention of clause 103(1) or in breach of any condition of a **permit** an **authorised officer** may remove the equipment or other items and impound them.
2. Where equipment or any other item has been impounded, there must be compliance with clause 13.

## Repair and deposited substances

**103. Repair of vehicles is prohibited**

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

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**104. Substances from vehicles, animals and livestock**

A **person** must not **permit** any grease, oil, mud, clay or other substance to fall or run off a **vehicle** or **livestock** onto a **road** or into any drain or **permit** another **person** to do so.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**105. Removal of substances**

1. A **person** in charge of a vehicle or **livestock** from which any substance has fallen or run off onto a road or into any drain must promptly remove the substance, make good any damage and remove any consequent hazard.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

2. A **person** in charge of a vehicle or **livestock**, from which damage or hazard remains, must notify **Council** or a member of the Police Force of the damage or hazard.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

3. Where **Council** repairs the damage or removes the hazard or causes the repair or removal to be undertaken, the **person** in charge of the vehicle or **livestock** from which the damage or hazard arose or the employer of that **person** must pay the cost of the repair or removal to **Council**.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

## Street festivals and processions

### 106. Permit for festivals or processions

1. A **person** must not without a **Permit** hold a street festival or procession on any road.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. In determining whether to grant a **Permit** for a street festival or procession **Council** must have regard to any guidelines determined by **Council**.
3. Any application to conduct a street festival or procession must be made to **Council** at least 42 days before the event is to take place.
4. A street festival or procession may not be held on any road unless the written consent of both the Chief Commissioner of Police and the Chief Executive of the Roads Corporation has been obtained and there is compliance with this Local Law.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

### 107. Additional information on application for permit

An application for a **Permit** for a **street festival** or **procession** must be made in the form determined by **Council**. In addition to the information required by any form, an application for a **Permit** must contain the following information:

- a) the name, address and phone number of a nominated **person** through whom arrangements may be made;
- b) the group of people or the organization on whose behalf the application is made;
- c) the name and sections of roads which are sought to be closed;
- d) the date and times for the road closure;
- e) the number of **persons** to be invited or expected to attend the event;
- f) any other information relevant to the application.

## Collections

Community hospitality and generosity to charitable organisations are a valued quality of our community, but this must be balanced against the right of every **person** not to be excessively imposed upon in their homes, streets or vehicles by charitable collectors, commercial traders or other organisations.

### 108. Collections

A **person** must not without a **Permit** solicit or collect gifts of money or subscriptions from any **road**, **footpath**, or from house to house adjacent to any **road** or cause or **permit** any other **person** to do so.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Busking

### 109. Busking

A **person** must not without a **Permit busk** on any **road**, footway or **Council land** with the object, or apparent object, of collecting money:

- a) sound or play any musical instrument,
- b) sing,
- c) harangue or recite,
- d) perform conjuring tricks,
- e) juggle
- f) dance,
- g) engage in miming or puppetry, or
- h) perform any like activity.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units



## Filming

### 110. Filming on Council land

1. A **person** must not **film** on any **Council land** without a **permit** or contrary to the conditions of a **permit**.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. A **person** in charge of **filming** on **Council land** without a **permit** or contrary to the conditions of a **permit** is guilty of an offence.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

3. In addition to any other condition which may be imposed by **Council** every **permit** granted under clause 110(1) is subject to the following conditions:
  - a) the **permit holder** must comply with any Code or guidelines adopted by **Council** relating to **filming** on **Council land**.
  - b) the **permit holder** must comply with the lawful directions of an **authorised officer** in relation to the **filming**;
  - c) the **permit holder** must take out and maintain public liability insurance of no less than \$10,000,000 in relation to **filming**, or no less than \$5,000,000 in relation to stills and photography or such other amounts as determined by **Council** from time to time;
  - d) any item or thing used in connection with the **filming** may be removed or moved upon the verbal or written request of an **authorised officer**, a member of the Police Force or a member of an emergency service; and
  - e) except to the extent allowed by the **permit**, the **filming** must not obstruct the free passage of pedestrian traffic or cause a potential hazard or nuisance to any **person**.

### 111. Impounding of equipment

1. Where any equipment or other item is being used for **filming** in contravention of clause 111(1), clause 111(2) or a breach of any condition of a **permit** an **authorised officer** may remove the equipment or other item and impound them.
2. Where equipment or any other item has been impounded, there must be compliance with clause 13.

## Part 12

### Outdoor advertising signs and display of goods for sale, outdoor eating facilities and permits, sale of goods

#### Advertising signs and displays

##### 112. Outdoor advertising signs and display of goods for sale

1. A **person** must not without a **Permit**, or contrary to the conditions of any **Permit**:
  - a) place or allow to be placed any **advertising sign** on a road or on **Council land**;
  - b) display or allow to be displayed any goods on a road or on **Council land**.
2. A **person** must not display or allow to be displayed a vehicle for sale on **Council land**.
3. In addition to any other condition which may be imposed by **Council Permits** granted under clause 112(1) are subject to the following conditions:
  - a) that the **Permit holder** comply with any Code or guidelines adopted by **Council** relating to the placement of **advertising signs** or the display of goods or vehicles; and
  - b) that the **advertising sign**, goods or vehicle be removed or moved upon the verbal or written request of an **authorised officer**, a member of the Police Force or a member of an emergency service.
4. An **authorised officer** may impound any **advertising sign** or goods found on a road or on **Council land** in contravention of clause 112(1) or in breach of any condition of a **Permit**.
5. A **person** must not, without a **permit**, paint or draw on any road or pavement

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

## Outdoor eating

### 113. Outdoor eating facilities

1. A **person** who:
  - a) operates;
  - b) owns a business that operates; or
  - c) is in charge of a business that operates

an **outdoor eating facility** on a **road** or on **Council land** without a **permit** or contrary to the conditions of a **permit** is guilty of an offence.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. In addition to any other condition which may be imposed by **Council Permits** granted under clause 113(1) are subject to the following conditions:
  - a) that the **Permit holder** comply with any Code or guidelines adopted by **Council** relating to the establishment of outdoor eating facilities;
  - b) that any item or thing on or within an **outdoor eating facility** be removed or moved upon the verbal or written request of an **authorised officer**, a member of the Police Force or a member of an emergency service; and
  - c) that the **outdoor eating facility** must not obstruct the free passage of pedestrian traffic or cause a potential hazard to any **person**.
3. An **authorised officer** may impound any item or thing on or within an **outdoor eating facility** found on a road or on **Council land** in contravention of clause 113(1) or in breach of any condition of a **Permit**.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

### 114. Sale of goods – premises

1. A **person** must not without a **Permit** use any premises to sell or offer for sale any goods or services where those premises are not included in a zone for that purpose in the Planning Scheme.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

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2. Clause 114(1) does not apply to the sale of goods or services from premises where:
  - a) the premises are included in a zone for that purpose in the Planning Scheme; or
  - b) **Council** has issued a **Permit** under the Planning Scheme to use the premises for the sale of any goods or services; or
  - c) the Planning Scheme allows the premises to be used for the sale of goods or services.
3. A **person** must not without a **Permit** sell or offer for sale any goods or services on any premises which are not the goods or services of the **occupier** of such premises or goods or services sold in the course of that **occupier's** business.

### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

1. In determining whether to grant a **Permit** under this Clause **Council** may give public notice of areas within which the sale of goods or services of particular types may be undertaken and may call for tenders.
2. Where **Council** calls for tenders in respect of its consideration for the granting of a **Permit**, it may determine the deposit to be paid upon the lodging of the tender application and may refund that deposit in the event of the tender application being unsuccessful.
3. Where **Council** accepts a tender, it may delay the grant of a **Permit** until the payment of the balance of the tender amount.

### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

## 115. Permit required for roadside trading

1. A **person** must not without a **Permit** erect or place on any road a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. A **person** must not without a **Permit** sell or offer for sale any goods or services on any road or public place within the **municipal district**.

### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

**116. Trading to a person on a road or from door to door**

1. A **person** must not without a **Permit** sell or offer for sale any goods or services from any premises or public place adjacent to a road to any **person** who is on that road or public place.

**Penalty**

<b>On the spot infringement</b>	<b>5 penalty units</b>
<b>Maximum court penalty</b>	<b>20 penalty units</b>

2. A **person** must not without a **Permit** sell or offer for sale any goods or services from house to house adjacent to any road or cause or **permit** another **person** to do so.

**Penalty**

<b>On the spot infringement</b>	<b>5 penalty units</b>
<b>Maximum court penalty</b>	<b>20 penalty units</b>

**117. Permits relating to the sale of goods**

1. In determining whether to grant a **Permit** under Clauses 118 and 119 **Council** may give public notice of specific locations at which the sale of goods or services may take place and subject to specified conditions.
2. In determining the fee for a **Permit**, **Council** may set fees or call tenders for particular locations on roads and may charge those fees or the tender amount as the **Permit** fee.
3. Where **Council** calls for tenders in respect of its consideration for the granting of a **Permit**, it may determine the deposit to be paid upon the lodging of the tender application and may refund that deposit in the event of the tender application being unsuccessful.
4. Where **Council** accepts a tender, it may delay the grant of a **Permit** until the payment of the balance of the tender amount.

**118. Regulation of trading sites**

1. If **Council** has entered into an agreement by way of lease, licence or otherwise with any **person** in relation to trading from a particular site, any **person** other than the **person** with whom **Council** has the agreement must not trade from that site whether or not he or she has a **Permit**.
2. **Council** may by resolution determine a fee or charge in relation to the selling or offering for sale of any goods or services from any premises or public place adjacent to a road or to any **person** who is on that road or public place.

**119. Seizure and Impounding of goods**

1. **Council** may immediately and without notice seize and impound any goods being used in connection with an activity and:
  - a) that activity requires a **permit** and no **permit** has been obtained; or
  - b) that activity is being conducted in contravention of the conditions of the **permit**.
2. **Council** may seize and impound any goods used in conjunction with a contravention of a **Notice to Comply** immediately and without further notice upon expiration of the time stated, within 2 days of service of the **Notice to Comply**.
3. The provisions of clause 13 apply to any impounding under clause 119(1) and clause 119(2).

**120. Non application of part**

1. The provisions of this Part do not apply to street collections, raffles and street stalls for which a **Council Permit** has been granted.
2. The provisions of this Part do not apply to the sale of goods from any market in respect of which **Council** has granted a **Permit**.

## Part 13

### Reserves and other public places

#### 121. Regulation of reserves

1. A **person** must not without a **Permit** supply, sell or offer or expose for sale any drugs, food, drink, goods or other articles or services or **hire** or offer or expose for **hire** any drugs, food, drink, goods or other articles or services on a reserve.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. A **person** must not without a **Permit**:
  - a) conduct, organise or participate in any competitive game or sport on a reserve, bearing a **Council** sign prohibiting such activity;
  - b) engage in, play or practice any ball game or other sport on a reserve contrary to any sign indicating restrictions on the use to which such reserve may be put;
  - c) operate or cause to be operated on a reserve any amusement for which a charge or fee is made or demanded;
  - d) ride or drive any vehicle into or on any reserve other than for the purpose of parking and then only upon any road, track or area provided for parking;
  - e) park a vehicle on a reserve contrary to any signage.
  - f) engage in any activity or behaviour in a reserve contrary to a sign which regulates or prohibits such activity or behaviour.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3. A **person** must not engage in any activity or behaviour on a reserve which in the opinion of an **authorised officer** is offensive, disorderly or reasonably likely to cause significant risk to any other **person** or property or which is reasonably likely to significantly interfere with the quiet enjoyment of the reserve by any other **person**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

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4. In determining whether any activity or behaviour referred to in clause 121(3) is offensive, disorderly or reasonably likely to cause significant risk or interference, an **authorised officer** must have regard to any guidelines determined by **Council**.
5. Paragraph (e) of clause 121(2) does not apply if the reserve is governed by a **parking control sign** and the vehicle is parked in accordance with such **parking control sign**.
6. A **Divisional director** may approve the installation of signs to regulate or prohibit a specified activity or behaviour in a reserve.

### 122. Access to reserves

1. Except as otherwise provided in this Local Law, reserves will be open to the public at all times.
2. **Council** may determine days and times during which a reserve will not be open to the public generally.
3. A **person** must not enter a reserve on a day or during a time when it is closed to the public generally unless that **person** does so subject to any conditions relating to fee or entry determined by **Council**.

### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

### 123. Special events

A **person** must not conduct a **special event** on or within any **municipal property** without a **permit** or contrary to any condition of a **Permit**.

In determining whether to grant a **permit** for a **special event** or **festival**, **Council** must have regard to any guidelines determined by **Council**.

Any application to conduct a **special event** or **festival** or must be made to **Council** at least three months before the event is to take place.



**123 A Special events or festivals – fireworks**

Fireworks can be spectacular entertainment. However, the **noise** of fireworks is particularly disturbing to some **animals** and wildlife, . Firework remnants may **land** long distances from their origins and can easily start fires, especially in the summer. To protect the safety of the public and community amenity, the **Council** controls the use of fireworks within the **municipal district**.

A **person** must not conduct **fireworks** at a **special event** on any **municipal property** without a **permit** or contrary to any conditions of a **Permit**.

In determining whether to grant a **Permit** for fireworks at a special event or festival **Council** must have regard to any guidelines determined by **Council**.

Any application to conduct a fireworks display at a special event or festival must be made to **Council** at least 42 days before the fireworks are to take place.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

**124. Restrictions relating to glass containers**

**Council** may on occasions ban **glass container** from some public locations especially if there is a special event at night or a crowded public gathering or where children are at play as broken glass is dangerous and can cause injury.

1. **Council** may designate any area or areas within the **municipal district** within which a **Person** must not have in his or her possession any **glass container** without a **permit** and the times and dates during which such restrictions are to be in place.
2. Any designation of areas, times and dates under sub-clause (1) must be published by **Council** by giving public notice at least 14 days before the restrictions are to be introduced by:
  - a) giving notice in a newspaper generally circulating throughout Victoria of the restrictions to be introduced;
  - b) posting notices on a publicly accessible notice board at the principal office of **Council**; and
  - c) retaining a copy of the public notice in the register of determinations to be kept with this Local Law from the date of notice until the restrictions have ceased to operate.
3. **Council** must cause any area designated under sub-clause (1) to be signposted with sufficient signs to reasonably notify a **Person** entering the area designated under sub-clause (1) or (2) of the nature of any such restrictions.
4. A **Person** must not have in his or her possession or under his or her control any **glass container**.
  - a) on a **beach**; or
  - b) in an area designated under sub-clause (1) during the time and on the dates during which restrictions are in place.

**Penalty**

<b>On the spot infringement</b>	<b>2 penalty units</b>
<b>Maximum court penalty</b>	<b>10 penalty units</b>

## Part 14

### Regulation of beach waters

#### 125. Limitation on access to beach areas where watercraft may be used or located

1. **Council** may, with the approval of all authorities required by law, by resolution designate areas in which watercraft may be:
  - a) transported onto or across the **beach**;
  - b) placed on the **beach**.
2. A **person** must not transport, place or use watercraft in contravention of a resolution made pursuant to clause 125(1).

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

1. **Council** must erect signs on the **beach** indicating areas on the **beach** that watercraft may be transported across or placed on in accordance with any resolution made pursuant to clause 125(1).

#### 126. Type a watercraft and type b watercraft launching

1. A **person** must not take a Type A Watercraft onto or across the **beach** other than by use of a **boat launching facility**.

#### Penalty

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. A **person** must not use a **Council boat launching facility**:
  - a) without a **permit** and without first paying any applicable fees and charges;
  - b) in contravention of a **permit**; or
  - c) in contravention of a direction under clause 126(3).

#### Penalty

On the spot infringement	0.5 penalty units
Maximum court penalty	2 penalty units

3. An **authorised officer** may direct a **person** not to use a **Council boat launching facility** if, in the reasonable opinion of the **authorised officer** the use of the **Council boat launching facility** would cause a significant risk to any **person**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

4. A **person** must not take a Type B Watercraft onto or across any part of the **beach** that is not designated by **Council** under clause 126(1) for the use by Type B Watercraft.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**127. Limitation on use of beach for purposes of selling or hiring**

A **person** must not **sell** or **hire** or offer for sale or for **hire** or advertise for sale or **hire** or attempt to **sell** or **hire** any goods or any services on any **beach** in the **municipal district** without a **permit** or contrary to the conditions of any **Permit**.

**Penalty**

On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

**128. Power of authorised officer**

1. An **authorised officer** may require the **owner** or the **person** in charge of any watercraft or other vessel to remove that item from any area on the **beach** in which it is not permitted.
2. An **authorised officer** may require the **owner** or the **person** in charge of any goods or services referred to in clause 127 to remove such goods or any services on any **beach** or any advertising material relating to them.
3. In the event of the **owner** or the **person** in charge of the items, goods or services, or advertising material referred to in clauses 128(1) or (2) failing to remove the same upon being required to do so by an **authorised officer**, the **authorised officer** may impound any such items, goods or advertising material.

## Part 15

### Regulation of water areas

#### 129. Salvage of sunken vessels

1. An **authorised officer** may:
  - a) require the registered **owner** of a vessel to salvage the vessel from a **body of water under the control of Council**;
  - b) cause a sunken vessel to be salvaged from a **body of water under the control of Council** if:
    - (i) the registered **owner** of the vessel is not known; or
    - (ii) the registered **owner** of the vessel fails to comply with a requirement to salvage the vessel.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. In deciding whether to take action under clause 129(1) an **authorised officer** must take into consideration the extent to which the vessel is causing, or may cause:
  - a) a nuisance; or
  - b) a vessel accident; or
  - c) congestion or delay to users of the bay or of the body of water.
3. A registered **owner** of a vessel must comply with any requirement made by an **authorised officer** under this clause.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

#### 130. Power to sell or give away and recover salvage expenses

1. If an **authorised officer**, acting under clause 129, causes a sunken vessel to be salvaged **Council** may cause the vessel to be:
  - a) sold by auction, public tender or private treaty; or
  - b) delivered to a municipal tip; or
  - c) given away.

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2. If **Council** exercises its power to sell a vessel by auction or by public tender **Council** must give public notice of its intention to do so.
3. The title of the acquirer of a vessel sold or disposed of under this clause is not impeachable, and the acquirer takes the vessel free from any title, estate, interest or right of any other **person**.
4. **Council** may recover from the registered **owner** of the vessel any salvage and related expenses in excess of the proceeds of sale, by sending a notice to the registered **owner** of the vessel setting out:
  - a) the date the vessel was salvaged;
  - b) the date the vessel was sold or given away;
  - c) the salvage expenses incurred;
  - d) the proceeds received from the sale; and
  - e) the amount which the registered **owner** is required to pay.
5. A registered **owner** of a vessel who is sent a notice under clause 130(4) must pay the amount specified to **Council** within 21 days after the notice is sent.

### Penalty

**On the spot infringement**  
**Maximum court penalty**

**5 penalty units**  
**20 penalty units**

## Part 16

### Control of building sites

#### 131. Provision of container

1. Where any **building work** other than minor **building work** is being carried out on any **land**, the **builder** or **person** in charge of **building work** on a **building site** must:
  - a) provide a suitable container for the purpose of storage and disposal of wind-blown **builders' refuse** to the satisfaction of **Council** or an **authorised officer**.
  - b) place the container in a location on the **land** that will provide easy access for depositing windblown **builders' refuse**, and keep it in place for the duration of the **building work** on that **land**;
  - c) not place the container on any **Council land**, road, street or nature strip without first obtaining a **permit** from **Council**;
  - d) empty the container whenever it is full and, if necessary, provide a replacement container during any emptying process;

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. The requirement to provide a container may be waived by an **authorised officer** in circumstances where **building work** relates to extensions to an existing **dwelling**.

#### 132. Disposal of Builders' Refuse

1. The **builder** or **person** in charge of **building work** on a **building site** must ensure that all wind-blown **builders' refuse**, other than sand and soil, is placed in the container so that the refuse is retained in the container at all times to the satisfaction of **Council** or an **authorised officer**.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. The **builder** or **person** in charge of **building work** on a **building site** must ensure that **builders' refuse** is not removed or deposited in or on any **land** or water other than in accordance with clause 135.

#### Penalty

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

**133. Removal of builders' refuse**

1. On any **land** where **building work** is being or has been carried out, the **builder** or **person** in charge of **building work** on a **building site** must remove and lawfully dispose of all refuse within seven (7) days of completion of the **building work** or the grant of an Occupancy Permit, whichever occurs last.

**Penalty**

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

2. The **builder** or **person** in charge of **building work** on a **building site** must ensure that a vehicle placing or removing a **builders' refuse** container accesses the **building site** by way of a temporary vehicle crossing.

**Penalty**

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

3. The **builder** or **person** in charge of **building work** on a **building site** must ensure that the **builder's refuse** is not deposited in or over any part of the stormwater system.

**Penalty**

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

**134. Sanitary facilities**

1. Where any work is carried out on a **building site** that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, the **builder** or **person** in charge of **building work** on the **building site** must ensure:
  - a) that a temporary toilet with hand washing facilities is provided on site at all times, and is of a type **approved** by **Council**; and
  - b) that the servicing, maintenance and location of such temporary toilet is to the satisfaction of **Council**.

**Penalty**

On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units



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2. In agreeing to the location of a temporary toilet, **Council** may consider the impact of the portable toilet facility on the amenity of properties adjoining the **building site**.
3. An **authorised officer** is empowered to enter into or on any **building site**, premises, yard or **land** at any time for the purpose of inspecting temporary toilets, urinals, pans, receptacles, vehicles, plant and any other things and places therein and thereon in order to carry out the provisions of this Part.

**135. Compliance with code**

A **builder** or **person in charge** of **building work** on a **building site** must ensure that the **Building Site Code** is not contravened.

**Penalty**

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

**136. Permit required**

A **builder** or **person in charge** of **building work** on a **building site** must obtain a **Permit** from **Council** and comply with any condition of the **Permit** before:-

- a) entering a **building site** by means of a motor vehicle having a gross weight exceeding two tonnes;
- b) occupying a road for **building work**;
- c) connecting any **land** to the storm water system;
- d) breaking open a road
- e) altering or repairing a road;
- f) opening a drain;
- g) altering or repairing a drain; or
- h) accessing a **building site** from a point other than a vehicle crossing,

**Penalty**

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

**137. Surrounding site protection**

1. Where any **building work** is being carried out on any **land**, the **builder** or **person** in charge of **building work** on a **building site** must ensure that the **building site** is developed and managed to minimise the risk of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice, by adopting measures to:-
  - a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
  - b) prevent **building** cleanup, wash down or other waste being discharged offsite or allowed to enter the stormwater system.

**Penalty**

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

2. The **builder** or **person** in charge of **building work** on a **building site** must, in respect of the **building work**, ensure that:
  - a) no materials are deposited on any part of a road without the approval of **Council**; and
  - b) any **builder's refuse** which has spilled onto a road, nature strip or surrounding area is removed as soon as practicable.

**Penalty**

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

3. The **builder** or **person** in charge of **building work** on a **building site** must ensure that any **footpath** adjacent to the **building site** or **land** likely to be affected by the **building work** is kept clear of mud and dirt at all times.

**Penalty**

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

**138. Compliance with guidelines**

Where any **building work** is being carried out on a **building site** forming or to form part of a proposed subdivision or development, the **builder** or **person in charge** of **building work** on a **building site** must ensure that potential soil erosion and sediment pollution is controlled in accordance with the **Site Management Guidelines for Construction and Subdivision Sites** and any other relevant policies or guidelines adopted by **Council**.

**Penalty**

On the spot infringement	10 penalty units
Maximum court penalty	20 penalty units

## Part 17

### Enforcement and penalties

#### 139. Offences and penalties

1. Where any provision in this Local Law requires that something must be done, any **person** who fails to do that act is guilty of an offence.
2. Where any provision in this Local Law requires that something must not be done, any **person** who does that act is guilty of an offence.
3. Where any provision in this Local Law requires that something must not be done between specified hours of the day or night, during specified months of the year, or in or at specified locations or specified parts of those locations, any **person** who does that act between the hours, during the months, on the days, in or at the location or a specified part of a location is guilty of an offence.
4. Where any provision in this Local Law requires that a **person** obtain a **Permit** from **Council** for the purpose of engaging in any particular activity, that **person** is guilty of an offence if that **person** engages in that activity without first obtaining a **Permit** from **Council**.
5. Where any **Permit** granted under this Local Law contains conditions any **person** who contravenes or fails to comply with a condition of a **Permit** is guilty of an offence.
6. After conviction for an offence under a provision of this Local Law, any **person** who continues in contravention of that provision is liable to a penalty of two (2) **penalty units** for each day after conviction during which the contravention continues.
7. A **person**, who is guilty of any offence against this Local Law for which a specific penalty is not prescribed by another provision under this Local Law, is liable to a penalty for that offence not exceeding ten (10) **penalty units** for a first offence.
8. A **person** who is guilty of a second or subsequent offence against this Local Law is liable to a penalty not exceeding twenty (20) penalty units.

#### 140. Infringement notices

1. A **person** may be served with an infringement notice specifying a fixed penalty for an offence against this Local Law as an alternative to a prosecution for the offence.
2. The fixed penalty for that offence is the penalty specified as an “Infringement Notice Penalty” at the foot of the relevant provision to which the offence relates.
3. An infringement notice may be issued by an **authorised officer**.

**141. Service of notices**

A notice required to be served under this Local Law is properly served on a **person** if a copy of the notice is:

- a) given to the **person** personally;
- b) delivered or sent to the **person's**:
  - (i) usual place of residence;
  - (ii) usual place of business;
  - (iii) registered company address;
  - (iv) registered business address; and
- c) affixed to any vehicle owned by the **person**.

**142. Delegation**

In accordance with Section 114 of the **Act**, **Council** hereby:

- a) delegates to the **Chief Executive Officer** and all **Divisional directors** and to any **person** for the time being acting for the **Chief Executive Officer** or the **Divisional directors** all the powers, discretions, authorities and considerations of **Council** under this Local Law including but not limited to the powers, discretions and authority to issue or refuse **permits**, fix conditions and durations relevant to such **permits**, cancel **permits**, require additional information, apply standards or guidelines or policies of **Council**, consider appeals and waive the need for any **permit** or waive or fix or reduce any fee or charge or to do any act, matter or thing necessary or incidental to the performance or exercise of any function or power by **Council**.
  - b) delegates to the Manager Governance and Local Laws and the **Co-ordinator of Parking and Local Law services** and to any **person** for the time being acting for those **persons** the power to issue or refuse **permits** and apply conditions, require additional information and apply standards or guidelines or policies of **Council** in respect of **permit** applications.
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**Resolution for the making of this Local Law was agreed to by the Hobsons Bay City Council on 8 September 2015.**

The **COMMON SEAL** of the **HOBSONS BAY CITY COUNCIL** was affixed in the presence of:

**COUNCILLOR** \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER** \_\_\_\_\_

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the 23 July, 2015 and the xx Month, 2015, respectively.

Public Notice of the proposal to make and confirmation of the making of this Local Law were inserted in the Hobsons Bay Leader newspapers on 22 July, 2015 and xxxxxxxxxxxxxxxx, 2015, respectively.

A copy of this Local Law was sent to the Minister for Local Government on xxxxxxxxxxxxxxxx, 2015.