



Moreland City Council

# **Moreland City Council**

## **General Local Law 2018**

[Consolidated version incorporating amendments made by the General (Amendment) Local Law 2025]

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# Moreland City Council

## General Local Law 2018

### Part 1

#### Preliminary

##### Title

1.1 This Local Law is called the “General Local Law 2018”.

##### What are the objectives of this Local Law?

1.2 The objectives of this Local Law are to:

- (a) promote a physical and social environment that is accessible and free from hazards to health, in which the residents of and visitors to the *municipality* can enjoy a quality of life that meets the general expectations of the community;
- (b) protect the use of *public places* and control activities in, on or near them;
- (c) provide for safety in *public places*;
- (d) control, protect and conserve the environment and maintain the amenity of the *municipality*;
- (e) provide for, control and manage the use of *premises* and *vehicles* in particular circumstances;
- (f) regulate the number and manner of keeping of *animals*;
- (g) control, prevent and abate *nuisances*; and
- (h) provide for the peace, order and good government of the *municipality*.

##### What authorises this Local Law?

1.3 This Local Law is made under the provisions of section 111(1) of the *Local Government Act 1989* and the *Domestic Animals Act 1994*.

##### When does this Local Law commence?

1.4 This Local Law commences on the 1 February 2018.

1.5 Upon this Local Law becoming operative, the General Local Law 2007 and the Environmental and Civic Assets Local Law 2014 are revoked.

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

1.6 This Local Law applies throughout the whole of the *municipality*.

##### Are there any exemptions from this Local Law?

1.7 This Local Law does not prevent a member, officer or employee of:

- (a) the Commonwealth or State Government;
- (b) the Victoria Police;
- (c) the Metropolitan Fire Brigade;
- (d) the Ambulance Service - Victoria;
- (e) any first-aid or emergency service organisation;
- (f) any military or civil-defence force; or
- (g) a *public body* other than the *Council*;

from performing any of the duties he or she is lawfully entitled or required to perform while engaged in those duties, provided that:

- (a) where practicable, 48 hours notice of the person's intention to perform the activity is given to the Council beforehand, or
- (b) in the event of an emergency, notice is given as soon as practicable after the activity has been carried out.

1.8 This Local Law relating to an *animal* does not prevent:

- (a) a blind or deaf person being entitled at all times and in all places to be accompanied by a guide dog; or
- (b) a member of the Victoria Police in charge of a police dog or police horse from carrying out police duties.

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

## Definitions

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

<i>Act</i>	means the <i>Local Government Act 1989</i>
<i>advertising sign</i>	includes any letter, figure, symbol, device, poster, sign, banner or message used for notifying: <ul style="list-style-type: none"><li>a) the existence of the sale or use of any goods or services; or</li><li>b) the holding of an event or function; or</li><li>c) the promotion of any <i>person</i>, company, organisation or thing.</li></ul>
<i>animal</i>	means every specimen of four legged animal, <i>domestic birds</i> , fish and reptiles.
<i>appointed agent</i>	means a <i>person</i> authorised by an <i>owner</i> of land to make an application on the <i>owner's</i> behalf.
<i>Asset Protection Permit</i>	means a permit issued under Clause 9.5 for the protection of Council land, <i>Council assets</i> and roads during <i>building work</i>
<i>Authorised Officer</i>	means: <ul style="list-style-type: none"><li>(a) a <i>person</i> appointed by the <i>Council</i> to be an <i>Authorised Officer</i> under section 224 of the <i>Act</i>; or</li><li>(b) in respect to the enforcement of this Local Law, upon the <i>Council</i> publishing a notice in the Government Gazette, under section 224A of the <i>Act</i>, any police officer.</li></ul>
<i>builders refuse</i>	includes any domestic or commercial waste, debris, substance or rubbish generated by or in connection with <i>building work</i> .
<i>building</i>	includes a part of a <i>building</i> and the whole or any part of a structure, temporary <i>building</i> or structure, fence, gate, wall, outbuilding, service installation, mast, pole and other appurtenance of a <i>building</i> .
<i>building site</i>	means any land on which <i>building work</i> is being, or is proposed to be, carried out.



<i>building works</i>	includes works, activities, events and practices for or in connection with the construction, alteration, re-blocking, underpinning, demolition or removal of a building; and includes any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods and the loading or unloading of any goods or materials for or in connection with any building work.
<i>bulk rubbish container</i>	means a bin, skip or other similar container used for the deposit of waste, but excludes a Council approved waste container.
<i>caravan</i>	includes a mobile home or moveable dwelling.
<i>camp</i>	includes to live or stay in a <i>vehicle</i> , boat, tent or any other structure capable of providing accommodation.
<i>children's playground</i>	means <i>Council land</i> set aside or used for the predominant purpose as a children's play area.
<i>commercial fitness activities</i>	means any individual or group fitness activities involving a commercial fitness or sports trainer who derives a payment or reward, either directly or indirectly.
<i>Construction Management Plan</i>	means a description of the proposed strategy to be implemented in relation to the <i>building works</i> to ensure: <ul style="list-style-type: none"> <li>(a) public amenity and safety are maintained;</li> <li>(b) <i>Council</i> and community assets are protected;</li> <li>(c) <i>nuisances</i> are controlled and prevented;</li> <li>(d) disruptions to traffic are minimised;</li> <li>(e) <i>waste</i> is managed appropriately; and</li> <li>(f) appropriate environmental controls are in place.</li> </ul>
<i>construction period</i>	means the period during which <i>building works</i> are being carried out.
<i>Council</i>	means the Moreland City Council.
<i>Council asset</i>	means any asset, item or thing located in, on or under a <i>public place</i> , including a structure, <i>building</i> , fixture, freestanding object, appliance, equipment, drain, <i>tree</i> , bridge, turf, cricket pitch, service conduit, sign, hydrant or any other infrastructure listed in Council's Asset registers, that is not owned by another <i>person</i> or public body.
<i>Council land</i>	means land, <i>buildings</i> and facilities which are owned or occupied by or vested in the <i>Council</i> or in respect of which the <i>Council</i> has the care and management to which the public has access whether an entry fee is paid or not.

<i>crossing</i>	means a pavement to provide access over any footpath, <i>roadside</i> or channel in a <i>road</i> for the purpose of enabling access to be gained to <i>premises</i> from the <i>road</i> .
<i>domestic birds</i>	means canary, budgerigar, finch, cockatiel or other like sized bird kept caged or within <i>premises</i> but excludes chickens, poultry, pigeons, <i>racing pigeons</i> , galahs, cockatoos and other birds <i>prescribed</i> by <i>Council</i> .
<i>encroachment</i>	includes any object or thing projecting from a <i>building</i> on, over or in a <i>public place</i> .
<i>exclusion zone</i>	means any of the following areas within a <i>recreational reserve</i> : <ul style="list-style-type: none"> <li>(a) 10 metres from any memorial;</li> <li>(b) 10 metres from any playground or play equipment;</li> <li>(c) 10 metres from any public change room or toilet;</li> <li>(d) 15 metres from any residential dwelling;</li> <li>(e) any sports field or facility without a specific booking;</li> <li>(f) stairways and pathways; and</li> <li>(g) picnic or public barbecue area.</li> </ul>
<i>footway</i>	includes every footpath, land or other place within the municipal district used by pedestrians, but excludes a <i>road</i> or reserve.
<i>garbage bin</i>	means a bin issued by Council to premises for the purpose of waste collection of household waste specified by Council not including those items accepted in the recycling collection and green waste collection
<i>green waste bin</i>	means a bin issued by Council to premises for the purpose of waste collection of garden waste
<i>handbill</i>	includes a placard, notice, book, pamphlet, paper and advertisement other than an advertisement affixed to any <i>building</i> abutting any <i>road</i> or public highway, but does not include any material of an exclusively political nature distributed to any <i>person</i> .
<i>heavy vehicle</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>keep</i>	in relation to <i>animals</i> , means to have the care, charge or custody of, or to keep an <i>animal</i> as a pet, or to allow the <i>animal</i> to exist or remain on premises.  In the case of wild, feral or stray <i>animals</i> , to proactively encourage the <i>animal</i> to remain on premises by feeding the <i>animal</i> .
<i>liquor</i>	means a beverage intended for human consumption with an alcoholic content of at least 0.5%.

<i>mature tree</i>	<p>means a <i>tree</i> that:</p> <ul style="list-style-type: none"> <li>(a) is taller than 8 metres; and</li> <li>(b) has a trunk that is 400mm or wider measured 1.2 metres above ground level; or</li> <li>(c) has multiple trunks with a combined diameter that is 400mm or wider measured 1.2 metres above ground level; or</li> </ul> <p>is listed on Council's Significant Tree Register.</p>
<i>minor building works</i>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) <i>building work</i> valued at less than \$5,000.00 but excludes demolition, underpinning, re-blocking and removal of <i>buildings</i> and structures (regardless of value);</li> <li>(b) <i>landscaping works</i> valued at less than \$2,000; or</li> <li>(c) <i>the construction (or reconstruction) of any driveway or masonry structure less than \$2,000.</i></li> </ul>
<i>municipality</i>	means the municipality of the <i>Council</i>
<i>Notice to Comply</i>	means a notice given under clause 17.10 of this Local Law.
<i>nuisance</i>	<p>means a person or thing causing inconvenience or annoyance. Part 10 is also to include as a <i>nuisance</i>:</p> <ul style="list-style-type: none"> <li>(a) any <i>building works</i> that emit dust, odour, waste, noxious gases or other <i>wind blown refuse</i> beyond the construction site;</li> <li>(b) the leaving of open and unguarded pits, excavations or basements on a <i>building site</i> which may constitute a risk to public safety or property;</li> <li>(c) any temporary structure, material, condition or practice constituting a fire hazard or impairing the extinguishing of any fire.</li> </ul>
<i>occupier</i>	of <i>premises</i> means a <i>person</i> having the charge, management or control of the <i>premises</i>
<i>owner</i>	In respect of an animal, includes a <i>person</i> who <i>keeps</i> or

harbours the *animal* or has the *animal* in his or her care for the time being whether the *animal* is at large or in confinement.

In respect to a *premises* means the following:

- (a) where the *premises* are Crown land, the *owner* of the *premises* is the lessee or licensee of the land from the Crown,
- (b) where the *premises* are other than Crown land, the *owner* of the *premises* is:
  - (i) every *person* who is jointly or severally entitled to the freehold estate of the land, and
  - (ii) every *person* who is, or would be, entitled to receive, or is in receipt of, the rents and profits of the land, whether as beneficial *owner*, trustee, mortgagee in possession or otherwise.

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

*permit* means a *permit* granted under Part 16 of this Local Law.

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

*person in respect of minor building work* Refers to the:

- (a) *owner* of any land on which *minor building work* is being or is to be carried out;
- (b) builder engaged to carry out *minor building work* on land;
- (c) *appointed agent*;
- (d) driver of any *vehicle* involved in placing or removing a refuse facility on land; or
- (e) driver of any *vehicle* involved in delivering or receiving goods or equipment from land where *minor building work* is being or is to be carried out.

*place* when used as a verb includes allow to remain.

*planning permit* includes any plans, drawings or other documents approved under a Planning Scheme which gives permission for use or development of a particular piece of land

*Planning Scheme* means an applicable *Planning Scheme* under the *Planning and Environment Act 1987*.

*premises* includes the whole or part of any land, a lot on a *Plan* of subdivision and a *building* or *building* under construction.

*prescribe* and "*prescribed*" includes decided or specified by the *Council*.

<i>Private property</i>	means land other than <i>Council land</i> and land occupied, managed or controlled by a public authority.
<i>proprietor</i>	means the <i>owner, occupier</i> , lessee, licensee, manager or any other <i>person</i> in control or charge of any place or <i>premises</i> .
<i>public body</i>	means any government department or municipal <i>Council</i> or body established for a public purpose by legislation.
<i>public drain</i>	means the portion of the <i>stormwater drainage system</i> that is a <i>Council asset</i> and includes any other drain listed in <i>Council's</i> asset register.
<i>public place</i>	has the same meaning as in the <i>Summary Offences Act 1966</i> and also includes: <ul style="list-style-type: none"> <li>(a) any place <i>prescribed</i> by the <i>Council</i> as a <i>public place</i>, other than an interior part of a <i>building</i> which is not occupied by the <i>Council</i> or a <i>public body</i> unless that part has been <i>prescribed</i> by the <i>Council</i>;</li> <li>(b) any vacant land or vacant space adjoining any <i>road</i>; and</li> <li>(c) a <i>Council building</i>.</li> </ul>
<i>recreational reserve</i>	means any land that is owned, occupied or controlled by the <i>Council</i> and is dedicated or used for cultural, sport, recreational or entertainment purposes and includes <i>Council's</i> parks and gardens.
<i>recycling bin</i>	means a bin issued by Council to premises for the purpose of waste collection of recycling materials specified by Council
<i>refuse facility</i>	means a site for the temporary deposit of <i>trade waste</i>
<i>road</i>	has the same meaning as in the <i>Act</i> .
<i>roadside</i>	has the same meaning as in the <i>Road Management Act 2004</i> .
<i>security bond</i>	means a payment or guarantee made to <i>Council</i> for the purposes of defraying costs to repair damage to assets or as required under the Local Law;
<i>segway</i>	means a two-wheeled, self-balancing electric form of transportation.
<i>sell</i>	includes: <ul style="list-style-type: none"> <li>(a) barter, offer or attempt to <i>sell</i>, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and</li> <li>(b) sell for re-sale.</li> </ul>

	(d)
<i>Shisha pipe</i>	Shisha pipes, hookahs, argilah and the like are single or multi-stemmed water pipes used for vaporizing and smoking flavoured tobacco, herbs or fruit mixes, whose vapour or smoke is passed through a water basin—often glass-based—before inhalation.
<i>smoke</i>	means to: <ul style="list-style-type: none"> <li>(a) <i>smoke</i>, hold or otherwise have control over an ignited <i>tobacco product</i>; or</li> <li>(b) light a <i>tobacco product</i>.</li> </ul>
<i>smoke free area</i>	means an area: <ul style="list-style-type: none"> <li>(a) identified in Part A of Schedule 2 to this Local Law; or</li> <li>(b) <i>prescribed</i> to be a <i>smoke free area</i> in accordance with clause 4.3.</li> </ul>
<i>special event</i>	means an organised sporting, recreational, cultural, commercial or social gathering of people which is held on a <i>road</i> or any other <i>public place prescribed</i> by the <i>Council</i> .
<i>spruik</i>	includes haranguing or addressing members of the public (whether directly or by the use of pre-recorded speech or messages) to solicit business, encourage members of the public to enter <i>premises</i> , purchase goods or both.
<i>stormwater drainage system</i>	means a drainage system which provides for the conveyance of stormwater run-off including spouting, downpipes, gutters, kerb and channel, pit lids, pits, open channels, culverts, underground drains, pipes and natural waterways such as creeks and their associated vegetation corridors/riparian zones.
<i>street art</i>	means artwork in the form of a mural but excludes graffiti such as tagging or stand-alone stencils.
<i>tobacco product</i>	has the same meaning as in the <i>Tobacco Act 1987</i> .
<i>toy vehicle</i>	means equipment designed to be propelled on land by human power and includes a skateboard, scooter, roller skates and in-line skates but does not include a <i>bicycle</i> .
<i>trade waste</i>	means any waste generated from a commercial or industrial premises and includes general, liquid and recycling waste.
<i>traffic control item</i>	means any sign, mark, structure or device displayed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers or pedestrians.
<i>trailer</i>	has the same meaning as in the <i>Road Safety Act 1986</i> ;
<i>tree</i>	includes the trunk, branches, canopy and root system of the <i>tree</i> .

<i>Tree Protection Zone</i>	means the area surrounding a <i>Significant Tree</i> 's trunk, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk diameter measured at 1.5 metres above ground level, to a maximum of 15 metres.
<i>vehicle</i>	means a conveyance which is designed to be or is propelled or drawn by any means, and includes a trailer and caravan, but does not include a train, tram, wheelbarrow, supermarket or shopping trolley, <i>bicycle</i> , <i>toy vehicle</i> or mobility device.
<i>visitor</i>	means a person visiting the place of residence of a <i>Vehicle Parking Permit</i> holder.
<i>Vehicle Parking Permit</i>	means a permit issued by Council in accordance with a parking scheme established by Council.
<i>Visitor Vehicle Parking Permit</i>	means a <i>Vehicle Parking Permit</i> issued for use in respect of a vehicle used by a person visiting the place of residence of a <i>Vehicle Parking Permit</i> holder.
<i>waste</i>	means hard waste, green waste, general waste and recyclable material
<i>waste container</i>	means a garbage bin, recycling bin and/or green waste bin, cart or other receptacle of a kind approved by the <i>Council</i> for the purpose of <i>waste</i> collection within the <i>municipality</i> or part of the <i>municipality</i> .
<i>wind blown refuse</i>	means refuse from a <i>building site</i> 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 municipality in the course of a year.

- 1.11 Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning.

## Part 2

### Behaviour

Introduction: This Part contains provisions which aim to protect the amenity of *public places* for all citizens by controlling behaviour in *public places* and by prohibiting *persons* from causing damage to *public places* or acting in a socially unacceptable manner.

#### Prohibited activities in *public places*

- 2.1 A *person* must not in, or within the hearing or sight of a *public place*:
- (a) adversely affect the amenity of that *public place*;
  - (b) interfere with the use or enjoyment of that *public place* or the personal comfort of another *person* in or on that *public place*;
  - (c) annoy, pester, assault, abuse or obstruct the mobility access of any other person in or on that *public place*;
  - (d) defecate or urinate except in a toilet or urinal in a public convenience; or
  - (e) commit an indecent or offensive act; or
  - (f) use any threatening, abusive or insulting words or behaviour.
- 2.2 A *person* must not in or on a *public place*:
- (a) destroy, damage, alter, mark, deface or remove any property or thing belonging to or managed or used by *Council*;
  - (b) walk on or over any public plant bed, plant box or garden plot;
  - (c) walk on or over a turf cricket pitch unless for the purpose of playing cricket;
  - (d) cause risk of personal injury or damage to property by climbing or walking on or over, sitting on or sliding down any structure, *building*, fixture, free standing object, appliance or equipment (other than play equipment or recreation and fitness equipment installed by the *Council*) except with the consent of the *proprietor*;
  - (e) after having been directed to leave by an *Authorised Officer*, enter or remain in any area, place, *building* or structure; or
  - (f) enter any area, place, *building* or structure in respect of which the *Council* has *prescribed* an entry fee, unless the entry fee has been paid to an *Authorised Officer* or authorised representative of the *Council* or the *person* enters in accordance with the written consent of the *Council* or the *proprietor*.

#### Toy vehicles

- 2.3 A *person* must not use or allow to be used a *toy vehicle* so as to endanger, intimidate or unduly obstruct or hinder any other *person* or *vehicle* lawfully using or intending to use the same area.

#### Protection of *trees*

- 2.4 Unless in accordance with a *permit*, a *person* must not in or on *Council land* or a *road* destroy, damage, remove or otherwise interfere with a *tree* or allow any *person* to destroy, damage, remove or otherwise interfere with a *tree*.

#### Protection of *mature trees*

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



- (a) remove, prune, damage, kill or destroy or direct, authorise or allow to be removed, pruned, damaged, killed or destroyed a *mature tree*;
- (b) carry out, or direct, authorise or allow to be carried out, any works within the *Tree Protection Zone* of a *mature tree*; or
- (c) remove, prune, damage, kill or destroy or direct, authorise or allow to be removed, pruned, damaged, killed or destroyed a *tree* required to be planted as a condition of a *permit*.

Clause 2.5 does not apply to

- (a) a *person* whose actions are required by any other legislation or by any other statutory authority; or
- (b) a *person* acting in accordance with a planning permit or an instruction or direction from an *Authorised Officer*.

### **Camping in *public places***

- 2.6 Unless in accordance with a permit, a person must not camp in or on any public place.
- 2.7 A person must not leave any item associated with camping in a public place.
- 2.8 A person cannot be issued an infringement for an offence where that person is homeless, in need of secure accommodation, has complex needs or is in need of additional assistance because of a mental or physical disability or illness.

### **Commercial fitness activities**

- 2.9 A commercial fitness trainer must not conduct *commercial fitness activities* in an *exclusion zone*.
- 2.10 A commercial fitness trainer conducting *commercial fitness activities*, and persons participating in *commercial fitness activities* in a *recreational reserve* must not engage in aggressive or intimidating behaviour, or cause a *nuisance*.

### **Fencing vacant land**

- 2.11 An *owner* or *occupier* of vacant land which is wholly or partially unfenced must, after being directed to do so by the *Council* or an *Authorised Officer*, fence or cause to be fenced all or that portion of the vacant land which was the subject of the *Council's* or the *Authorised Officer's* direction.

### **Fences at intersections**

- 2.12 The *owner* or *occupier* of any land situated at an intersection must not erect any temporary fence on the land so as to obstruct the clear view:
  - (a) by a driver, of any:
    - i. *pedestrian*;
    - ii. *vehicle*; or
    - iii. *traffic control item*; or
  - (b) by a pedestrian, of any:
    - i. *vehicle*; or
    - ii. *traffic control item*.

## Part 3

### Consumption of *Liquor*

Introduction: This Part aims to provide for the responsible management of *public places* so as to enhance the enjoyment of them by the general public, especially during major events. The provisions control the consumption of *liquor* in *public places* and other places within certain areas of the *municipality* and during certain periods of the year.

#### Consumption and possession of *liquor* is prohibited in certain circumstances

- 3.1 A person must not in or at a prescribed place consume or have in their possession any liquor other than liquor in a sealed container.

Clause 3.1 does not apply to a *person* or *proprietor*:

- (a) taking part in a festival or event in respect of which the *Council* has granted a *permit* for *persons* to consume *liquor* or to have in their possession or control any *liquor* other than *liquor* in a sealed container;
- (b) who has been granted a permit to sell liquor in accordance with the Footpath Trading Guidelines.

- 3.2 Where an *Authorised Officer* believes on reasonable grounds that a *person* or *proprietor* is contravening or has contravened clause 3.1, the *Authorised Officer* may direct the *person* to

## **Part 4**

### **No Smoking in *Smoke free areas***

Introduction: This Part aims to provide for the responsible management of *public places* so as to enhance the enjoyment of them by the general public. The following clauses prohibit smoking *tobacco products* in *smoke free areas* within the *municipality*.

#### **Prohibition on smoking**

- 4.1 A *person* must not *smoke* a *tobacco product* in a *smoke free area*.
- 4.2 A person must not, without a permit, smoke a shisha pipe or associated apparatus on Council land.
- 4.3 Where an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened clause 4.1, the *Authorised Officer* may direct the *person* to extinguish and then dispose of the *tobacco product*.

#### **Council may *prescribe smoke free areas***

- 4.4 *Council* may *prescribe* any area within the *municipality* to be a *smoke free area*.
- 4.5 The *Council* or an *Authorised Officer* may erect, or cause to be erected, an acceptable no smoking sign in a *smoke free area*.

## Part 5

### Animals

Introduction: This Part aims to provide for the responsible care and management of *animals* within the *municipality* including regulating the number and types of *animals* a *person* may *keep* without a *permit*.

This Part does not apply to any land:

- (a) on which a pet shop is located;
- (b) on which an *animal* hospital or veterinary practice is located; or
- (c) if the use of the land for this purpose is permitted under the *Planning Scheme*.

### Keeping of *animals*

5.1 Unless permitted under the *Planning Scheme* applicable to the premises, a person must not, without a permit, keep or allow to be kept on any land any more of each species of *animal* than is specified in the following table.

5.2 Unless permitted under the *Planning Scheme* applicable to the premises, a person must not on any premises, without a permit, keep an *animal* not listed in the table.

Clause 5.1 and 5.2 do not apply to a person who has a permit under the Wildlife Act to keep native animal.

### Permitted *animals* and birds

Type of <i>animal</i>	Maximum allowed in a premises (other than a flat, unit, apartment or townhouse)	Maximum allowed in a flat, unit, apartment or townhouse
Dogs (over 3 months old)	2	1
Cats (over 3 months old)	2	1
Chickens (hens)	4	0
<i>Domestic birds</i> – caged non-poultry	15	5
Pigeons (non-racing)	5	0
Pigeons (racing)	20	0
Ferrets	2	1
Guinea pigs, rabbits, rats or mice	4 of one species or 6 in total	2 of one species or 4 in total

5.3 Any structure used for housing an *animal* must be maintained:

- (a) in a clean and sanitary condition;
- (b) so as not to cause any *nuisance*;
- (c) free from refuse, rubbish and other material which harbours, attracts or may harbour or attract vermin; and
- (d) to the satisfaction of the *Council*.

- 5.4 Any structure used for housing an *animal* must not form part of, be connected or attached to a property line fence.
- 5.5 An *occupier* of premises must ensure that all food for consumption by an *animal* or bird is kept or stored in a vermin and fly-proof receptacle.
- 5.6 An *occupier* of premises must ensure that all excrement, refuse or rubbish associated with the keeping of an *animal* is collected and disposed of in a hygienic and lawful manner so that it does not detrimentally affect the amenity of the area.

### ***Animals in a public place***

- 5.7 A *person* must not feed or leave food for a feral or wild bird or *animal* in a *public place*.
- 5.8 A *person* must not tie an unsupervised *animal* to a bench, seat, table, pole, peg or any other structure in a *public place* for more than 15 minutes at a time.
- 5.9 Whenever an *animal* is in or on a *public place*, the owner of the *animal* must have in his or her possession means for the effective collection and removal of any excrement that may be deposited by the *animal*.
- 5.10 The owner of an *animal* must immediately collect and dispose of all excrement deposited by the *animal* in a *public place* in a hygienic and lawful manner.
- 5.11 The owner of an *animal* must not allow any excrement to remain on any road, footway, Council land or other public place.
- 5.12 A *person* exercising dogs must not have more than 4 dogs walked by a *person* at any one time.

### ***Commercial dog walkers***

- 5.13 A *person* must not without a permit conduct a commercial enterprise of exercising dogs or any other *animal* in a *public place*.

### ***Feeding of birds on private property***

- 5.14 An *occupier* of *private property* must not:
  - (a) feed or continue to feed; or
  - (b) allow or cause to be fed,
 any bird on that *private property* if:
  - i. that bird is not ordinarily kept on the *private property*; and
  - ii. the circumstances in which the bird is fed are likely to or do interfere with the material comfort of any other *person* or with a *person's* use and enjoyment of land they own or occupy.

Clause 5.14 does not apply to any bird that is feeding on any vegetation growing or that has grown on the *private property*.

Clauses 5.14, 5.15 and 5.16 inserted by General (Amendment) Local Law 2025 clause 8.1.

### ***Power of Authorised Officers – feeding of birds on public land***

- 5.15 An *Authorised Officer* may direct a *person* on any *road*, *public place* or *Council land* not to:
  - (a) feed or continue to feed; or
  - (b) allow or cause to be fed,
 any bird on that *road*, *public place* or *Council land*.
- 5.16 A *person* to whom a direction is given by an *Authorised Officer* under Clause 5.15 must comply with that direction.

## Part 6

### Advertising and Use of Shopfronts and *Public places*

Introduction: This Part contains provisions which aim to enhance the appearance of streets and *public places* by controlling the placement of *advertising signs* in *public places* and on and between *buildings* and *street art* in, or within view from, a *public place* within the *municipality* and the placement of goods and the like in *public places*.

#### Authorisation required for *advertising sign* or other thing on or between Council *buildings*

6.1 Unless:

- (a) in accordance with a *permit*; or
  - (b) to do so is specifically authorised by and in accordance with legislation or the *Planning Scheme* or a Planning permit issued under it; or
  - (c) no part of the *advertising sign* or other thing is in, on or over a *public place*,
- a person must not hang, place or affix any *advertising sign* or other thing on or between any part of a Council *building*, plant, pole, post or other structure or allow that to occur.

#### Authorisation required for *street art* in or on a *public place*

6.2 A person must not, without a *permit*, apply *street art* or allow *street art* on any part of a *public place*.

Note: Nothing in this clause is intended to affect the operation of the *Graffiti Prevention Act 2007*.

#### Authorisation required for portable *advertising signs* or other things in *public places*

6.3 Unless:

- (a) in accordance with a *permit*; or
- (b) to do so is specifically authorised by and in accordance with the *Planning Scheme* or a Planning permit issued under it,
- (c) a person must not place or erect a portable *advertising sign* or other thing in, on or over a *public place* or allow that to occur.

#### Authorisation required for goods in a *public place*

6.4 A person must not without a permit, hang, pile or place any goods or allow that to occur on any shopfront, footpath, outside wall, roof or veranda.

6.5 Clause 6.4 does not apply if the placement of an item:

- (a) does not protrude over or into a *public place* or cause an obstruction or risk of injury to a person or damage to property; or
- (b) is specifically authorised by and in accordance with the *Planning Scheme* or a Planning permit issued under it.

6.6 A person must not, without a *permit* and the consent of the *proprietor*, place, fix, allow to be placed or allow to be fixed in or on a *public place*, footpath or road any planter or similar structure or thing.

## Part 7

### Street Trading and *Special events*

Introduction: This Part contains provisions which aim to manage and facilitate responsible trading and entertainment on *streets* and *public places* to increase the attractiveness and comfort of these places, by controlling the soliciting of gifts and money, *selling* and other behaviour on *public places*.

#### Soliciting trade and similar activities

- 7.1 Unless in accordance with a *permit*, a *person* must not in a *public place* or from *premises* adjacent to a *public place*, solicit or try to attract trade or business or *tout* or *spruik* or allow any *person* to solicit or try to attract trade or business or *tout* or *spruik*.

#### Permit required for selling in a *public place*

- 7.2 Unless in accordance with a *permit*, a *person* must not *sell* any good or service on or in a *public place* or from *premises* adjacent to a *public place* to a *person* in a *public place*.

#### Permit required for filming and special events

- 7.3 Unless in accordance with a permit or Council approved guidelines, a person must not in or on a *road* or any other *public place prescribed* by the *Council*:
- (a) conduct any *special event*, or
  - (b) conduct any filming where the film is for a commercial purposes.

Clause 7.3 (b) does not apply to filming for news or media reporting.

Note: The *Council* will take into account the *Filming Approval Act* 2014 in considering an application for a *permit* under clause 7.3(b).

#### Furniture in a *public place*

- 7.4 (a) A person must not, without a permit, place or cause to be placed any item of furniture in or on a public place.
- (b) A person cannot be prosecuted under 7.4 (a) if the person is homeless or in need of secure accommodation.

Clauses 7.1, 7.2 and 7.4 apply only to those *persons* who have an Australian Business Number, unless on one of the following registers:

- (a) Victorian Electoral Commission
- (b) Australian Electoral Commission
- (c) Consumer Affairs (Co-operatives Public Register, Fundraisers Public Register or Incorporated Associations Public Register)
- (d) Australian Charities and Not for Profit Commission (registered as a not for profit or charity group); or
- (e) Victorian Registration and Qualifications Authority.

## Part 8

### Environment

Introduction: This Part sets requirements for activities that may affect the environment of the neighbourhood in which the activities are conducted and includes waste management and disposal; burning of material in the open and open fires; and the generation of offensive odours and fumes.

#### Prevention of mosquito breeding

- 8.1 The owner or occupier must not allow a premises to harbour still or stagnant water in such a manner as to be likely to provide a breeding environment for mosquitoes.

#### Waste

- 8.2 A person must not:

- (a) *place a garbage bin, recycling bin and/or green waste bin* in or on a *public place*, or outside the *premises* any more than 24 hours before the scheduled collection time;
- (b) *keep or allow a garbage bin, recycling bin and/or green waste bin* to remain in or on a *public place*, or outside the *premises* for more than 24 hours after collection time;
- (c) leave or allow to be left a *garbage bin, recycling bin and/or green waste bin* in or on a *public place* unless it is:
  - (i) marked with the address of the *premises* in respect of which it was issued;
  - (ii) clean on all external surfaces including being free from visible food matter and other debris; and
  - (iii) airtight, securely closed and sealed;
- (d) move, or cause, allow or suffer to be moved a *garbage bin, recycling bin and/or green waste bin* from the premises to which it was issued, or to a premises other than the premises to which it was issued;
- (e) use a *garbage bin, recycling bin and/or green waste bin* for any purpose other than the purpose for which it was issued.
- (f) use a receptacle other than the issued waste container for any deposit of waste.
- (g) place or cause to be placed in a waste container any of the following:
  - i. animal carcasses;
  - ii. hot ashes;
  - iii. slops or liquid waste;
  - iv. syringes or other sharp objects that may be contaminated with infectious waste including blood;
  - v. trade or building waste;
  - vi. prescribed waste as defined in the *Environment Protection (Prescribed Waste) Regulations*;
  - vii. waste exceeding a total of thirty (30) kilograms;
  - viii. human excrement (other than in the case of disposable nappies that have been cleaned of solids and wrapped in impervious material);
- (h) place or cause to be placed in a waste container any of the following, unless securely wrapped in impervious material:
  - i. dirt, dust, hair or other like substance;
  - ii. glass, wire, or other jagged or rough edge material or object;



- iii. animal faeces;
  - iv. deposit waste produced in a domestic or commercial setting into Council public place litter and recycling bins.
- 8.3 A person must separate and place waste in the appropriate waste container as issued by the *Council*.
- 8.4 A person must place infectious waste in a container specifically designed to receive such waste and must dispose of such container in accordance with the Environment Protection (Prescribed Waste) Regulations.  
  
 Clause 8.4 does not apply to a *person* who is authorised or licensed to transport, or dispose of such *prescribed* waste by the Environment Protection Authority under the *Environment Protection Act* and the *Environment Protection (Prescribed Waste) Regulations*.
- 8.5 A person must place a waste container:
  - (a) with the lid fully closed;
  - (b) at least 1 metre clear of any obstruction or parked *vehicle*; and
  - (c) facing the *road*, near the kerb at the front of the *premises*; and
  - (d) if applicable:
    - i. if the *road* is a one-way *road*, on the left hand side of the *road* (when facing the direction of travel); or
    - ii. if the *road* is a cul-de-sac, at the entrance to the bowl or hammerhead of the cul-de-sac; or
    - iii. as otherwise *prescribed* by *Council*.
- 8.6 A person must not remove or interfere with any household rubbish, recyclable waste or green waste that has been placed out for collection.

Clause 8.6 does not apply to any person employed or engaged by Council or the occupier of premises.

## **Hard waste**

- 8.7 A person must not place or allow to be placed hard waste in such a manner that will obstruct or hinder the use of any road.
- 8.8 A person must not place or allow to be placed hard waste on days and times other than those *prescribed* by the *Council*.
- 8.9 A person must not place or allow to be placed as part of hard waste, any disused refrigerator, ice-chest, icebox, trunk, chest or other similar articles without first removing every door, lid, lock and/or hinge.

## **Commercial and industrial waste**

- 8.10 The owner or occupier of a commercial or industrial premises that stores *trade waste* and liquid waste must:
  - (a) provide *trade waste* storage containers that are:
    - (i) constructed of impervious materials; and
    - (ii) water tight; and
    - (iii) pest proof; and
    - (iv) be sufficient in volume and number to contain all the *trade waste* produced.
  - (b) empty all *trade waste* containers before they overflow;
  - (c) maintain and keep all *trade waste* storage containers in a clean condition.

- 8.11 The owner or occupier of a commercial or industrial premises that stores liquid *trade waste* must:
- (a) secure the waste storage containers:
    - i. within an appropriately constructed and maintained enclosure; and
    - ii. within an area designed and constructed to prevent the escape of the liquid *trade waste*; and
    - iii. in a manner that prevents liquid *trade waste* from contaminating or entering the *stormwater drainage system*; and
    - iv. in a manner that enables the recovery of spilt material.
  - (b) supply equipment sufficient to enable the clean-up of any spilt liquid *trade waste*;
  - (c) empty all liquid *trade waste containers* before they overflow;
  - (d) maintain all liquid *trade waste containers* to the satisfaction of an *Authorised Officer*.

### **Storage and washing of waste containers (commercial and industrial premises)**

- 8.12 The owner or occupier of a commercial or industrial premises must:
- (a) store and wash waste receptacles; and
  - (b) not allow waste and wastewater to escape from the premises or contaminate or enter the *stormwater drainage system*; and
  - (c) store waste completely within the premises; and
  - (d) provide sufficient wash facilities on the premises to enable waste receptacles to be thoroughly cleaned; and
  - (e) maintain wash facilities to the satisfaction of the Authorised Officer.

### **Collection of trade waste**

- 8.13 A person must not, without a permit, collect or allow to be collected, from any commercial or industrial premises any waste except between the hours of:
- 6.30 am and 8.00 pm Monday to Saturday; or
- 9.00 am and 8.00 pm Sundays and Public Holidays.
- 8.14 A person must not emit or allow to be emitted unreasonable noise from the collection of *trade waste* from commercial or industrial premises.

### **Incinerators, fires and open air burning**

- 8.15 A person must not light or allow any fire to be lit in the open air or in an incinerator on any land other than in a device designed and constructed for the purpose of cooking food for consumption.
- 8.16 A person must not allow any heating device including a fire pit, chiminea or chimney on the premises to discharge any dust, grit, ash, smoke, effluvium, substance or odour that constitutes a nuisance or is unreasonable.
- 8.17 A person must only use gas or dry wood to fuel fires. No chemically treated, painted or unseasoned wood or other material is to be used.
- 8.18 Council may, in special circumstances, issue a permit for a fire in the open air. Special circumstances include:
- (a) when a fire is to be used for public entertainment; or
  - (b) where an *Authorised Officer* forms the opinion that any of the following apply:

- (i) the nature, volume or location of the material to be burnt is such that its disposal by any other means is unsafe;
- (ii) there is no reasonable alternative method available for the disposal of the material proposed to be burnt;
- (iii) it is necessary to burn the material in the interests of public safety.

## Part 9

### Protection of *Council land* and Assets

This Part is to protect *Council land*, *Council assets*, *roads* and the environment in relation to building work activity by requiring permits for various activities.

#### Vehicle crossing works

- 9.1 An *Authorised Officer* may direct a *person* to:
- (a) construct a temporary or permanent *vehicle crossing*;
  - (b) repair or reconstruct a *vehicle crossing*; or
  - (c) remove a *vehicle crossing*, and reinstate any kerb, channel, footpath or other areas to the satisfaction of *Council* or the *Authorised Officer*.
- 9.2 A person must comply with a direction of *Council* or the *Authorised Officer*.

#### Permit required for vehicle crossing

- 9.3 A *person* must not, without a *permit*, construct, install, remove or alter a *vehicle crossing*.

#### Requirements concerning vehicle crossings

- 9.4 An *owner* or *occupier* of *premises* must:
- (a) maintain all existing *vehicle crossings* in a safe state; and
  - (b) where a vehicle crossing has been constructed as a bridge or driveway over the channel in the road, keep the channel clear of obstructions; and
  - (c) remove any redundant vehicle crossings.

#### Asset Protection

- 9.5 A *person* must not, without an *Asset Protection permit* carry out *building work* or allow *building work* to be carried out on the land, unless the works constitute *minor building works*.
- 9.6 An application for an Asset Protection Permit must:
- (i) be accompanied by such fee as is fixed by Council;
  - (ii) include a statement from the person in charge of the land and of any, and the extent of any pre-existing damage and latent defects of adjoining Council land, Council assets or road; and
  - (iii) be lodged with Council prior to commencement of doing the thing for which the Asset Protection Permit is necessary.
- 9.7 If an application for an Asset Protection Permit does not include a statement in accordance with clause 9.6 it is presumed that there was no pre-existing damage or latent defects in such Council land, Council assets or road prior to the commencement of building work.
- 9.8 An Asset Protection Permit may direct how a person may access the land during the building work.
- 9.9 An Asset Protection Permit may be issued subject to such conditions as Council determines, including conditions requiring protection works to be done;
- 9.10 A *person* must not, without a permit, deposit or place materials on any part of a *road* or *Council land*.
- 9.11 A *person* must repair any damaged *road*, *Council land* or *Council asset* adjoining or adjacent to the land where the *building work* has taken place, takes place or which is likely to be affected by the *building work*, to Council's standards, within 7 days of being requested to do so by an *Authorised Officer*.

### **Additional inspections required after a request for final inspection**

9.12 Where a person, or an agent acting on behalf of a person who has an *Asset Protection Permit* for a building site, advises that works are complete for the purpose of an *Asset Protection Permit* or an application for statement of compliance for a subdivision, that person must:

- (i) Request a final inspection by an Authorised Officer in the manner prescribed by the Council, and
- (ii) make full payment of any fee prescribed by the Council for any additional inspection(s) after the first final inspection required due to incomplete works. This payment must be made prior to that inspection being scheduled.

### **Permit required for road occupation**

9.13 Unless in accordance with a permit, a person must not:

- (a) erect a hoarding or overhead protective awning on a road;
- (b) occupy or fence off part of a road;
- (c) use any plant or equipment including a crane, elevated work platform, ladder, concrete pump, mobile scaffolding or a scissor lift on a road;
- (d) use any plant or equipment associated with excavation or demolition, including an excavator, backhoe or bulldozer, on a road except where consent for those works have been obtained under the *Road Management Act 2004* from the Coordinating Road Authority;
- (e) install, alter or remove any object including a fence, gate, retaining wall, sign, tactile indicator or planter box on in or over a road;

Prior to the commencement of any activity in Clause 9.13 a person must:

- (f) make full payment of the fee prescribed by the Council for processing the application for a permit; and
- (g) make full payment of any fee prescribed by the Council for inspection(s) of the site or works required by an Authorised Officer; and
- (h) give two business days notice of the actual commencement date and time for the activity listed in Clause 9.13 for the purpose of an inspection by an Authorised Officer, in the manner prescribed by the Council.

### **Works on Council land**

9.14 A person required to undertake any works on *Council land* must:

- (a) obtain a permit for the work;
- (b) undertake those works safely;
- (c) where relevant, provide and maintain pedestrian and traffic control devices during the course of the works; and
- (d) where relevant, ensure that any pedestrian or traffic control device which is being used complies with Australian Standard AS 1742.3.

## **Damaging Council asset or Council land**

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

- (a) destroy, damage or interfere with any *Council asset* or *Council land* or anything on a *Council asset* or *Council land*;
- (b) *place* any thing on any *Council asset* or *Council land* so as to endanger any other *person* or any property; or
- (c) remove any thing from any *Council asset* or *Council land*.

Clause 9.15 does not apply to a *person* employed or engaged by *Council* while acting in the course of his or her duties.

9.16 A person who breaches clause 9.15(a) must be liable to repair, replace or reconstruct the road if instructed to do so by an Authorised Officer.

## **Trees or plants causing damage to public places**

9.17 An *owner* or *occupier* must not allow *trees* or *plants* on *premises* to cause damage to, or interfere with *public places*.

## **Works in the road reserve that require inspection**

9.18 Where a person intends undertaking “works” as defined in the *Road Management Act 2004*, and that person is required to obtain written consent from the “coordinating road authority” by the *Road Management Act 2004*, that person must:

- (i) give two business days notice of the actual commencement date and time for the purpose of an inspection by an Authorised Officer, in the manner prescribed by the Council, and
- (ii) make full payment prior to the commencement of the works of any fee prescribed by the Council for commencement and post-commencement inspection(s) of the site or works required by an Authorised Officer.

9.19 Where a person has undertaken “works” as defined in the *Road Management Act 2004*, and that person was exempt from applying for written consent from the “coordinating road authority” in accordance with the *Road Management (Works and Infrastructure) Regulations 2015*, but is required to give notice to the relevant Coordinating Authority as to the completion of the works, that person must make full payment of the fee prescribed by the Council for inspection(s) of the completed works undertaken to ensure the reinstatement was carried out in accordance with the legislation.

## **Alteration of public road level**

9.20 Where a person applies to Alter the Level of the Public Road Reserve, that application must include payment of the fee set by Council.

## Part 10

### Building works

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

#### ***Notice to be given before commencing building works***

- 10.1 A *person* must not commence to carry out *building works* (other than *minor building works*) unless he or she gives at least 48 hours written notice to the *Council* of his or her intention to do so.
- 10.2 A notice under clause 10.1 must be in the form *prescribed* by the *Council* and if requested, include a *Construction Management Plan* which must be approved by the *Council* prior to commencement of *building works*.
- 10.3 An approved *Construction Management Plan* can only be modified with the consent of the *Council*.
- 10.4 A *person* involved in the carrying out of *building works* must comply with a *Construction Management Plan* approved under clause 10.2 or modified under clause 10.3.

#### ***Building works on a single dwelling are confined to certain times and places***

- 10.5 A *person* may carry out or allow to be carried out *building works* on a single dwelling
- (a) if the works are carried out within the times stipulated within the Environment Protection Authority guidelines:
  - (b) the *person* is the *owner* or *occupier* carrying out the *building works* himself or herself and no other *person* is engaged for fee or reward; and
  - (c) the *person* is complying or observing any direction, notice or order of the *Council*, *Authorised Officer* or any public authority.

#### ***All other building works are confined to certain times and places***

- 10.6 Except in the case of an emergency or in accordance with a *permit*, a *person* must not carry out *building works* or cause *building works* to be carried out unless the works are carried out in accordance with the hours stipulated within the Environment Protection Authority guidelines.

#### ***Heavy vehicle movements are confined to certain times and places***

- 10.7 Except in the case of an emergency or in accordance with a *permit*, a *person* must not allow any heavy vehicle movements to or from the commercial or industrial premises except between the hours of:
- (a) 7.00 am and 6.00 pm Monday to Friday (except Public Holidays); or
  - (b) 7.00 am and 1.00 pm Saturday.
- 10.8 Except in the case of an emergency or in accordance with a *permit*, a *person* must not allow any heavy vehicle associated with the building work to be left standing on, or in the vicinity of, the premises with its engine operating for a period longer than 30 minutes.

#### ***Wheels of vehicles to be kept clean***

- 10.9 A *person* must not drive a *vehicle* on to any *road* from *premises* upon which any filling, excavation, landscaping, *building works* or demolition operation is being or has recently been carried out unless the wheels and undercarriage of the *vehicle* are clean.

#### **Nuisances**

- 10.10 A *person* must not carry out building works or cause building works to be carried out so as to create a nuisance.

## Drains and stormwater discharge

- 10.11 A person must not, without a Drainage Connection permit, alter, modify, tap into, damage or destroy any public drain.
- 10.12 A person must not allow any stormwater drainage system which carries stormwater runoff mainly from roofs or pavements within his or her land, or located on land which he or she owns or occupies to fall into disrepair or a condition which is dangerous to health or constitutes a nuisance.
- 10.13 A person must not allow any stormwater drainage system located outside the land which he or she owns or occupies which carries stormwater runoff mainly from roofs or pavements within his or her land to fall into disrepair or a condition which is dangerous to health or constitutes a nuisance.
- 10.14 A person must not allow a stormwater drainage system into which he or she has been permitted to tap into or to which he or she has been permitted to connect, to fall into disrepair or a condition which is dangerous to health or constitutes a nuisance.
- 10.15 A person must seek to eliminate the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal waste or gross pollutants 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 drainage system*; and
  - (b) prevent *building* clean-up, wash-down or other *waste*, refuse or pollutants being discharged off site or allowed to enter the *stormwater drainage system*.

## Refuse and waste

- 10.16 A person must on any building site:
- (a) provide a *refuse facility* for the purpose of disposal of builder's refuse to the satisfaction of an *Authorised Officer*;
  - (b) *place* the *refuse facility* on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the *construction period*;
  - (c) empty the *refuse facility* whenever full, and, if necessary, provide a replacement refuse facility during the emptying process;
  - (d) remove and lawfully dispose of all builder's refuse, including the builder's refuse in the *refuse facility*, within seven days of completion of the *construction period* or issue of an occupancy *permit* whichever occurs last; and
  - (e) *place* all builder's refuse in the *refuse facility*;
- 10.17 A person must not, without a permit place the refuse facility on any Council land or road.

## Storage and delivery of materials

- 10.18 A person must securely store or place materials associated with building works on the land.
- 10.19 A person must not, without a permit store or place materials associated with building works on Council land.
- 10.20 A person must not, without a permit store or place materials associated with building works on a road.
- 10.21 A person must not, without an Asset Protection permit, carry out or allow to be carried out equipment or material deliveries to land on which building work is being carried out.

## Amenities

- 10.22 A person must not carry out or allow to be carried out any building work on a building site unless a sewerated toilet and wash basin, or a fresh water flush portable toilet is provided and is serviced as required (or at least monthly) for the use of persons on that building site to the satisfaction of an Authorised Officer.



## Fencing

- 10.23 A person must not carry out or allow to be carried out any building work unless the site is secure with permanent or temporary fencing which is at least 1.8 metres high and is to the satisfaction of an Authorised Officer.

Clause 10.23 does not apply where legislation, regulation or a planning permit requires the installation of permanent fencing.

## Contact details

- 10.24 A person must not carry out or allow to be carried out any building work unless the contact details of the builder are displayed on the site in a position clearly visible by the public.

## Minor building work

- 10.25 A person in respect of minor building work must not, without a permit, deposit materials or refuse on any part of a road or Council land.
- 10.26 A person in respect of minor building work must:
- (a) provide a *refuse facility* for the purpose of disposal of refuse associated with the *minor building work*;
  - (b) empty the *refuse facility* whenever full; and
  - (c) remove and lawfully dispose of all refuse in the *refuse facility* within seven days of completion of the *building works*.
- 10.27 A person in respect of minor building work must minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal waste or gross pollutants by adopting measures to:
- (a) minimise the amount of mud, dirt, sand, soil, stones or other refuse or pollutants deposited on the abutting roads or washed into the *stormwater drainage system*; and
  - (b) prevent building clean-up, wash-down or other waste being discharged off site or allowed to enter the *stormwater drainage system*.

## Directions by Authorised Officer

- 10.28 An Authorised Officer may inspect a building site at any time for the purpose of inspecting any building site.
- 10.29 An *Authorised Officer* may direct any person found carrying out or suspected of carrying out *building works* in contravention of this Local Law or without a *permit* to cease carrying out those *building works* immediately or as soon as practicable.

## Part 11

### Dilapidated, Dangerous and Unsightly Premises

Introduction: This Part contains provisions which aim to ensure that the appearance of *buildings* in the *municipality* are consistent with an image of the *municipality* that is safe, attractive and well maintained by controlling *premises* that have been allowed to reach a dilapidated, unsightly or dangerous condition.

#### Dilapidated premises

- 11.1 Where in the opinion of Council the *premises* are in a dilapidated state, including where:
- (a) the exterior of any *building* is in a state of disrepair or has been damaged or defaced so as to affect the visual amenity of the property or the area in which it is located; or
  - (b) *encroachments* are in a state of disrepair which may be dangerous or likely to cause a danger to any *person*,
- an *Authorised Officer* may serve a *Notice to Comply* in accordance with clause 17.10 of this Local Law specifying the work required to correct the dilapidated state.

#### Dangerous and unsightly premises

- 11.2 An *owner* or *occupier* of *premises* must ensure that all necessary steps are taken to prevent fires and minimise the possibility of the spread of fire by regularly minimising the build-up of grass, weeds, scrub, undergrowth and any other material or substance on or in the *premises* and ensuring that there is no storage of such material likely to assist in the spread of fire.
- 11.3 Where Council is of the opinion that the condition of any *premises* may contribute to the spread of fire, Council may serve a *Notice to Comply* in accordance with clause 17.10 of this Local Law specifying the work required to correct the condition of the *premises*.
- 11.4 An *owner* or *occupier* of *premises* must not cause or allow his or her *premises* –
- (a) to be kept in a manner which in the opinion of Council is dangerous or likely to cause danger to health or property; or
  - (b) to contain, in the opinion of Council noxious weeds, insects, excessive vegetation growth or be a haven for vermin.
- 11.5 Where Council is of the opinion that the condition of any *premises* is as described in Clause 11.4 Council may serve a *Notice to Comply* in accordance with clause 17.10 of this Local Law specifying the work required to correct the condition of the *premises*.
- 11.6 An *owner* or *occupier* of *premises* must not cause or allow his or her *premises* to be kept in a condition which in the opinion of the *Council* is unsightly or is detrimental to the general amenity of the neighbourhood.
- 11.7 Where the *Council* is of the opinion that –
- (a) the *premises* contains unconstrained rubbish; or
  - (b) the *premises* contains disused excavation, machinery, *vehicles* or *waste* material; or
  - (c) the *premises* contains excessive vegetation, including grass exceeding 150mm in height; or
  - (d) graffiti on the *premises* is visible to the public; or
  - (e) the appearance of the land is one of neglect and is out of character with other land in the vicinity; or
  - (f) a combination of any of the above factors renders the land to be considered dangerous or unsightly

the *Council* may serve a *Notice to Comply* in accordance with clause 17.10 of this Local Law specifying the work required to correct the condition of the *premises*.

### **Compliance with a Notice**

- 11.8 A *Notice to Comply* is to be served on the *occupier* of the *premises* or, if one of the following circumstances exist, on the *owner* of the *premises*:
- (a) the *occupier* of the *premises* cannot, after reasonable enquiry, be located; or
  - (b) the *occupier* no longer occupies the *premises*; or
  - (c) the *premises* are unoccupied.
- 11.9 In addition to any other means of enforcement provided by this Local Law, if the *person* served with a notice under clauses 11.1, 11.3, 11.5 and 11.7 fails to comply with the notice to the *Council's* satisfaction, the *Council* can take whatever action it considers is necessary to bring the *premises* into compliance with the notice.
- 11.10 Any costs incurred by the *Council* in taking action under clause 11.9 (including, without limitation, the cost of carrying out *building work*, the erection of hoardings and barricades and the removal of material from the *premises*), must be paid by the *person* served with the notice under clause 11.1, 11.3, 11.5 and 11.7 and until such costs are paid with any interest payable, the costs will remain a charge on the *premises*.

## **Part 12**

### **Naming of *Roads* and Numbering of Premises**

Introduction: This Part contains provisions to provide for the making of clear signage of *road* names and *street* numbers to assist in the management of the *municipality* and assist emergency services.

#### **Requirement to number premises**

- 12.1 The *owner of premises* must clearly mark his or her *premises* with the numbers allotted by the *Council* and must renew the numbers as often as may be necessary.
- 12.2 Where the *Council* is unable to find or identify the *owner of premises*, the *occupier* of those *premises* must comply with clause 12.1.

#### ***Council* may number premises**

- 12.3 The Council may where premises are not marked by the owner or occupier with the number allotted, cause the premises to be numbered and recover the cost of doing so from the owner or occupier (as the case may be) as a debt due to the Council.

#### **Interfering with numbers and *street* signs**

- 12.4 A person must not:
  - (a) destroy, pull down, obliterate or deface the name of any *road*, or the name or number of any *premises*; or
  - (b) paint, affix or set up any name to any *road*, or any name or number to any *premises*, contrary to the provisions of this Local Law.

## Part 13

### Vehicles

Introduction: This Part contains provisions which aim to enhance the appearance of streets and *public places* by controlling activities involving *vehicles* in *public places* and minimise the impact of stationary vehicles on pre-planned routine public road maintenance.

#### Prohibition on *vehicles* remaining in *public places*

- 13.1. Unless in accordance with a permit, a person must not:
- (a) bring a *vehicle* into or on or allow it to remain in or on a *public place*; or
  - (b) ride a *segway* or *bicycle* in or on a *public place*,
- except:
- (a) where that *public place* is a paved road surface or road related area; or
  - (b) in the case of a *bicycle*, where that *public place* is a pathway or where the *bicycle* creates a nuisance.

In clause 13.1(c), *road* and *road* related area have the meanings as defined in the *Road Safety Act 1986*.

#### Prohibition on *vehicles* in recreational reserves

- 13.2 A person must not drive or allow to be driven a vehicle onto a recreational reserve.
- Clause 13.2 does not apply to a *Council* staff member whilst lawfully performing their duties.

#### Repairing *vehicles*

- 13.3 A *person* must not dismantle, paint, display for sale, carry out maintenance or repair a *vehicle* on a road, footway or Council land.
- 13.4 A *person* contracted or engaged to work on a vehicle must not leave, store or perform works on vehicles on a road, footway or Council land except as signed.
- Clauses 13.3 and 13.4 do not apply if maintenance or work is carried out to enable a *vehicle*, which has broken down, to be removed from the *road, footway* or *Council land*.

#### Heavy *vehicles* and machinery

- 13.5 Unless permitted under the *Planning Scheme* applicable to the land, a *person* must not, without a *permit*, park, *keep*, store, repair, or allow to remain on any residential *premises* or vacant premises, heavy *vehicles* and/or machinery.

#### Attaching *vehicles* to a Council asset or public place

- 13.6 A *person* must not attach a *vehicle* to a *Council asset* or *public place*.

#### Use of Vehicle Parking Permits

- 13.7 A *person* must not sell, give away, lend or allow to be used a *Vehicle Parking Permit*, other than a *Visitor Vehicle Parking Permit* to be used by a legitimate *visitor*.
- 13.8 A person who resides in an area in which a residential parking permit scheme operates may make an application to the Council for a vehicle parking permit or visitor vehicle parking permit.
- 13.9 A person who has been allocated a vehicle parking permit must not sell, hire out, lease, licence or lend to another person or offer to sell, hire out, lease, licence or lend that vehicle parking permit to any other person.
- 13.10 A person must not purchase, hire, lease, licence or receive, or offer to purchase, hire, lease, licence or receive a vehicle parking permit from a person who has been allocated a vehicle parking permit.

- 13.11 The owner or occupier of land on which an advertisement is displayed for the sale, hire, offer for purchase or offer for hire of a vehicle permit is guilty of an offence.
- 13.12 A person must not:
- a) forge or counterfeit a vehicle parking permit or visitor vehicle parking permit;
  - b) use a forged or counterfeit vehicle parking permit or visitor vehicle parking permit; or
  - c) contravene or fail to comply with the conditions of use of a vehicle parking permit or visitor vehicle parking permit.

### **Move Vehicles for Road Works**

- 13.13 A vehicle may be relocated by the Council or their appointed agents from any road, Council asset or public place where these facilities require resurfacing or any other type of repair or maintenance. The relocation of vehicles will be undertaken where the vehicle obstructs such activity or, by its position, prevents the activity from taking place.
- 13.14 If the Council or their appointed agents are to remove vehicles under Clause 13.14, they must give notice at least 48 hours prior to the resealing, repair or maintenance indicating the Council's intention to undertake the activity.

Notice of the activity may be provided either through residential letter boxes or on vehicles parked in the street in which the activity is to take place or through notices in a local newspaper or any combination of these.

The notices will require that vehicles be removed from the road, Council asset or public place to allow the resurfacing, repair or maintenance activity to occur. After issuing a notice, the Council will not be obliged to make any further contact with the owners of the vehicles prior to their removal.

- 13.15 If the Council or their appointed agents are to remove a vehicle under clause 13.14 they must at least 12 hours before moving a vehicle, place signs displaying 'No Stopping' or otherwise traffic cones placed at no more than 6m intervals along the parking area that requires resurfacing or any other type of repair or maintenance
- 13.16 If the Council or their appointed agents are to remove a vehicle under clause 13.14, they must at the time of moving the vehicle:
- (i) photograph existing condition of the vehicle
  - (ii) have with them an Authorised Officer to authorise the removal of the vehicle/s
  - (iii) use a tow firm to relocate the vehicle/s to a nearby legal parking place
  - (iv) notify the Council and police immediately of the move and give details of the vehicle and relocation.
- 13.17 The powers that may be exercised under this clause are in addition to those provided in Schedule 11 - parts 3 and 4 of the Local Government Act 1989.

## Part 14

### Noise

Introduction: This Part contains provisions which aim to protect the amenity of *public places* for all citizens by controlling noise in *public places* and by prohibiting or limiting noise from residential premises.

#### Prohibition against causing excessive noise

- 14.1 A person must not, unless authorised or permitted by or under any other Act, in, on or over a public place or in premises adjacent to a public place cause or allow noise to unreasonably interfere with a person's use of the public place.

#### Deliveries to and collections of goods from premises

- 14.2 Unless in accordance with a permit, deliveries of any goods to or collections of any goods from any non-residential *premises* must only be made between the hours of:

- (a) 7.00am and 10.00pm Monday to Saturday; or
- (b) 9.00am and 10.00pm Sunday & Public Holidays;

#### Noise from intruder alarms

- 14.3 An *owner* or *occupier* of any *premises* must not install, or allow to be installed, or retain in an active state at any *premises*, any intruder alarm that emits a noise audible beyond the boundary of the *premises*, unless the intruder alarm is constructed so that:

- (a) whenever the intruder alarm is activated it is automatically rendered inaudible beyond the boundary of the *premises* within 10 minutes of it being activated; and
- (b) the intruder alarm cannot re-activate until it has been manually re-set.

- 14.4 Where an *Authorised Officer* determines that the *owner* or *occupier* has:

- (a) contravened clause 14.3; and
- (b) the intruder alarm is sounding; and
- (c) the *Authorised Officer* cannot, after reasonable efforts, locate the *owner* or *occupier* of the *premises*,

the *Authorised Officer* may enter onto the *premises* and do what is reasonably required to abate the intruder alarm noise.

## Part 15

### Miscellaneous

Introduction: This Part contains provisions that aim to regulate and prohibit activities in *public places* not elsewhere covered by this Local Law to improve the amenity of the *municipality* and to protect other assets of the *Council*.

#### General nuisance

- 15.1 A *person* must not, cause or allow any dust, waste water, waste, mud, concrete, paint, oil, *chemicals* or other material to be blown, conveyed, deposited or discharged in, on or across any *public place*.

#### Bulk rubbish container

- 15.2 Unless in accordance with a *permit*, a *person* must not place or cause to be placed a bulk rubbish container in or on a *public place*.

#### General obstructions

- 15.3 A *person* must not allow any vegetation, *building* or thing to protrude from *premises* so as to obstruct or interfere with the passage of pedestrians or vehicular traffic in or on a *public place*.

#### Shopping trolleys

- 15.4 A *person* must not leave a *shopping trolley* in an area except in an area designated for the leaving of *shopping trolleys*.

#### Charity and donation collection bins

- 15.5 A *person* must not, without a permit, *place*, allow to be placed, or allow to remain, a charity or donation bin on any road or on *Council* land.

#### Fees and Charges

- 15.6 Council may by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing.
- 15.7 Council may:
- a) impose specific fees;
  - b) specify a maximum or minimum fee;
  - c) specify maximum or minimum fees;
  - d) provide scales of fees according to the value of goods or services provided for the fees or the project being assessed;
  - e) require the payment of fees generally or under specific conditions or in specified circumstances;
  - f) provide for the reduction, waiver or refund, in whole or in part of the fees;
  - g) provide for the reduction, waiver or refund subject to specified conditions or subject to the discretion of an authorised officer, on the happening of an event, in respect of certain matters or transactions, in respect certain documents or classes of documents or in respect of persons or classes of persons or in respect of a combination of the above.



## **Part 16**

### **Permits**

#### **Fee required**

16.1 The fee payable for the granting of a *permit* is the fee that is *prescribed* by the *Council*.

#### **Further information may be required**

16.2 The *Council* or an Authorised Officer may require an applicant to provide it with more information before it deals with the application for a *permit*.

#### **Notice may be required**

16.3 The *Council* or an Authorised Officer may require the applicant to give notice of the application for a *permit* in the manner *prescribed* by the *Council*.

#### **Duration of permit**

16.4 Except where expressly stated in this Local Law or in a *permit*, a *permit* operates from the date it is issued and expires one year after the date of issue.

#### **Correction of permits**

16.5 The *Council* or an Authorised Officer may correct a *permit* if that *permit* contains:

- (a) an unintentional error or an omission; or
- (b) a material miscalculation or a material mistake in the description of a *person*, thing or property.

16.6 The *Council* or an Authorised Officer must notify a *permit* holder in writing of any correction under clause 16.7.

#### **Exemptions**

16.7 The *Council* or a delegate of the *Council* or an Authorised Officer may by written notice exempt any *person* or class of *persons* from the requirement to have a *permit* or pay the *permit* fee, either generally or at specified times;

16.8 An exemption under clause 16.9 may be granted subject to conditions.

16.9 A *person* must comply with the conditions of an exemption under clause 16.9.

16.10 An exemption under clause 16.9 may be cancelled or corrected as if it were a permit.

#### **Cancellation of a permit**

16.11 The *Council* or an Authorised Officer may cancel a *permit* if it considers that:

- (a) there has been a serious or ongoing breach of the conditions of the *permit*;
- (b) a *Notice to Comply* has been issued, but not complied with within the specified time;
- (c) there was a significant error or misrepresentation in the application for the *permit*; or
- (d) there has been material change of circumstances which has occurred since the issue of the permit.

16.12 Before it cancels a permit under clause 16.13, the Council or an Authorised officer must notify the holder of a permit of the Council's or Authorised Officer's intention to amend or cancel the permit and provide to the permit holder an opportunity to make a written submission before the permit is cancelled.

## Conditional permits

- 16.13 A permit may contain conditions considered to be appropriate in the circumstances included, but not limited, to the following:
- (a) the payment of a fee or charge;
  - (b) the payment of a security deposit, bond or guarantee to *Council* to secure the proper performance of conditions on a *permit* or to rectify any damage caused to *Council* assets as a result of the use of activity allowed by the *permit*;
  - (c) a time limit to be applied specifying the duration, commencement and completion date;
  - (d) that the applicant be insured against the risk and to provide a written indemnification of *Council* against liability arising from the activity or use;
  - (e) the granting of some other *permit* or authorisation.
- 16.14 The conditions of a permit must be set out in the permit.

## Security deposit, bond or guarantee

- 16.15 Where works carried out on or in a *public place* or in relation to a *public asset* have not been reinstated to the satisfaction of an *Authorised Officer*, *Council* may apply any monies held as that security deposit, bond or guarantee toward the cost of reinstating the *public place* or *Council* asset.
- 16.16 Where the security deposit, bond or guarantee does not cover *Council's* costs of undertaking the reinstatement works, the *permit* holder or the person who undertook or managed the undertaking of the works must reimburse *Council* the difference.
- 16.17 Where works are carried out by or on behalf of a Service Authority and the public place or public asset has not been reinstated to the satisfaction of an *Authorised Officer*, the Service Authority must pay to *Council* the actual cost of the reinstatement.

## Part 17

### Enforcement

#### Offences

- 17.1 A *person* who:
- (a) fails to comply with this Local Law; or
  - (b) fails to comply with a condition of a *permit*; or
  - (c) fails to do anything directed to be done under this Local Law; or
  - (d) knowingly submits erroneous, inaccurate or misleading information in an application for a *permit*; or
  - (e) refuses or fails to obey directions of an *Authorised Officer* to leave a *public place* where in the opinion of that *Authorised Officer* the *person* has failed to comply or is failing to comply with this Local Law; or
  - (f) fails to comply with a sign erected by the *Council*, or
  - (g) fails to comply with a *Notice to Comply*.
- is guilty of an offence.

#### Infringement notices

- 17.2 As an alternative to prosecution, an *Authorised Officer* may serve an infringement notice on a *person*, if the *Authorised Officer* has reason to believe that the person has committed an offence against this Local Law.
- 17.3 The fixed penalty for an individual in respect of an infringement notice is the amount set out in the Schedule to this Local Law. For offences not specified in the Schedule the penalty is 3 *penalty units*.

#### Offences by Corporations

- 17.4 The fixed penalty for a corporation in respect of an infringement notice is twice the amount set out in the Schedule to this Local Law. For offences not specified in the Schedule the penalty is 6 *penalty units*.
- Clause 17.4 does not apply where the penalty unit set in the Schedule is set at 20 penalty units. In this case the penalty for both individuals and corporations is 20 penalty units.
- 17.5 That any corporation that is found guilty of the same act for a second time is charged double the penalty units paid for the first offence up to the maximum penalty of 20 units.
- 17.6 If the corporation is convicted of an offence against this Local Law, a *person* charged under clause 17.4 with the same offence may also be convicted of the offence and is liable to the penalty for that offence unless that *person* proves that the act or omission constituting the offence took place without his or her knowledge or consent.

#### Court fines

- 17.7 A *person* guilty of an offence against this Local Law is liable to a penalty:
- (a) not exceeding 20 *penalty units*; and
  - (b) for a continuing offence, not exceeding 3 *penalty units* for each day after the conviction during which the contravention continues.

#### Costs incurred by the *Council* to be paid

- 17.8 All costs incurred by the *Council* under this Local Law must be paid by the *owner* or *occupier* of the *premises* concerned and until such costs are paid with any interest payable, the costs remain a charge on the *premises*. This does not include clause 13.14 moving a vehicle for works.

- 17.9 *Council* may institute proceedings to recover costs incurred by or on behalf of *Council* where damage is caused to a *Council* asset.

### **Notice to Comply and directions**

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

### **Power of Authorised Officer to act in urgent circumstances**

- 17.16 Any *Authorised Officer* may in urgent circumstances arising as a result of a failure to comply with this Local Law, take action to remove, remedy or rectify a situation without the necessity to serve a *Notice to Comply* provided:
- (a) he or she considered the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a *Notice to Comply*, may place a *person*, *animal*, property or thing at risk or in danger; and
  - (b) details of the circumstances and remedying action are forwarded as soon as practicable to the *person* on whose behalf the action was taken.
- 17.17 The action taken by an *Authorised Officer* must not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

### **Power of Authorised Officer to impound**

- 17.18 Where a *person* owning or responsible for items, goods, equipment, *bicycle* or other property or thing has ignored a direction from an *Authorised Officer* to remove them; or the items,

goods, equipment, *bicycle* or other property or thing is being used or possessed in contravention of this Local Law, the items, goods, equipment, *bicycle* or other property or thing may be confiscated and impounded.

- 17.19 If an *Authorised Officer* has impounded anything in accordance with this Local Law, the *Council* may refuse to release it until the appropriate fee or charge *prescribed* by the *Council* for its release has been paid to the *Council*.
- 17.20 As soon as it is reasonably practicable to do so, the *Authorised Officer* must serve a written notice in a form that is prescribed by the *Council* from time to time on the *owner* or person responsible for the impounded item setting out the fees and charges payable and time by which the item must be retrieved.
- 17.21 If after the time required in a notice an impounded item is not retrieved, an *Authorised Officer* may take action to dispose of the impounded item according to the following principles:
- (a) where the item has no saleable value, it may be disposed of in the most economical way; and
  - (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in sub-clause (a);
  - (c) where the *owner* has advised the *Council* in writing that the *Council* may dispose of the goods because he or she does not intend to retrieve them, the *Council* may dispose of them by the method identified in sub-clauses (a) and (b).

## **Part 18**

### **Delegations**

- 18.1 In accordance with section 114 of the Act, the Council hereby delegates to the Chief Executive Officer and Authorised Officers all the powers, discretions, authorities and considerations of Council under this local law including:
- (a) the powers, discretions, authorities, make any opinion and consideration to make a direction by Notice to Comply;
  - (b) the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to permits, cancel or suspend permits, require additional information, apply guidelines, standards or codes of practice of Council, waive the need for any permit; or
  - (c) to do any act, matter or thing necessary or incidental to the exercise of any function or power by the Council.

# General Local Law 2018

## Schedule 1

### Penalties Fixed for Infringements

Clause	Offence	Penalty
<b>Part 2</b>	<b>Behaviour</b>	
2.1, 2.2	Prohibited activities in <i>public places</i>	3
2.3	Misuse of <i>toy vehicles</i>	3
2.4	Destroy or cause damage to trees	10
2.5	Destroy or causing damage to mature trees	20
2.6	Camping in <i>public places</i>	3
2.7	Leave item associated with camping in public place	3
2.9, 2.10	Commercial fitness activities	5
2.11	Fencing vacant land	5
2.12	Fences at intersections	3
<b>Part 3</b>	<b>Consumption of liquor</b>	
3.1, 3.2	Consumption / possession of <i>liquor</i> in prohibited area	3
<b>Part 4</b>	<b>No Smoking in Smoke Free Areas</b>	
4.1, 4.2	Smoke in a smoke free area	3
<b>Part 5</b>	<b>Animals</b>	
5.1, 5.2	Keeping of <i>animals</i>	3.5
5.3 – 5.6	Housing of <i>animals</i>	3.5
5.7 – 5.12	<i>Animals</i> in a <i>public place</i>	3.5
5.13	Conduct a commercial enterprise without a permit	5
5.14	Feeding of birds on private property	3.5
5.16	Failure to comply with a direction given by an <i>Authorised Officer</i> under clause 5.15	3.5
<b>Part 6</b>	<b>Advertising and Use of Shopfronts and Public Places</b>	
6.1	Unauthorised <i>advertising sign</i> or thing on or between Council <i>buildings</i>	10
6.2	Unauthorised display of <i>street art</i> in or on a <i>public place</i>	10
6.3	Unauthorised portable advertising sign in a public place	10

Schedule 1  
amended by  
General  
(Amendment)  
Local Law 2025  
clause 8.3.

Clause	Offence	Penalty
6.4	Unauthorised goods in a public place	5
6.6	Unauthorised planter or similar structure or thing	5
<b>Part 7</b>	<b>Street Trading and Special Events</b>	
7.1	Failure to obtain a permit to solicit trade or similar activities	5
7.2	Failure to obtain a permit to <i>sell</i> in a <i>public place</i>	5
7.3	Failure to obtain a permit to film or conduct a <i>special event</i>	5
7.4	Failure to obtain a permit to place furniture in a <i>public place</i>	5
<b>Part 8</b>	<b>Environment</b>	
8.1	Prevention of mosquito breeding	3
8.2 – 8.6	Waste	3
8.7 – 8.9	Hard waste	5
8.10 - 8.11	Commercial and industrial waste	20
8.12	Storage and washing of waste containers (commercial and industrial premises)	20
8.13 - 8.14	Collection of trade waste	20
8.15-8.18	Incinerators, fires and open air burning	5
<b>Part 9</b>	<b>Protection of Council land and assets</b>	
9.1	Vehicle crossing	10
9.2	Fail to comply with a direction	10
9.3	Failure to obtain relevant permit	10
9.4	Failure to comply with requirements	10
9.5 – 9.11	Asset protection	10
9.12	Additional inspections	10
9.13	Permit required for road occupation	10
9.14	Works on Council land	10
9.15 – 9.16	Damaged Council asset or land	10
9.17	Trees or plants causing damage to public places	10
9.18-9.19	Works in road reserve	10



Clause	Offence	Penalty
9.20	Alteration of public road level	10
<b>Part 10</b>	<b>Building Works</b>	
10.1	Failure to give required notice before commencing <i>building works</i>	10
10.2	Failure to obtain consent of Council for a <i>Construction Management Plan</i> prior to commencement of building works	20
10.4	Failure to comply with a <i>Construction Management Plan</i>	20
10.5	Building works on a single dwelling	10
10.6	Building works confined to certain times and places	10
10.7	Heavy vehicle movements	10
10.8	Heavy vehicle engine operating exceeding time limit	5
10.9	Dirty wheels / undercarriage of construction <i>vehicles</i>	5
10.10	Building works creating a nuisance	10
10.11	Work on public drains without a permit	10
10.12, 10.13, 10.14	Stormwater drainage system falling into state of disrepair or danger or nuisance	10
10.15	Unauthorised discharge of material	20
10.16	Failure to comply with refuse facility requirements	10
10.17	Failure to comply with placement of refuse facility	10
10.18 -10.21	Failure to comply with storage and delivery requirements	10
10.22	Failure to provide amenity facilities	10
10.23	Failure to provide fencing	10
10.24	Failure to provide contact details	10
10.25	Failure to obtain a permit	10
10.26	Failure to comply with refuse facility requirements	10
10.27	Unauthorised discharge of material	10
<b>Part 11</b>	<b>Dilapidated, Dangerous and Unsightly Premises</b>	
11.1	Allow premises to become dilapidated	5
11.2; 11.4; 11.6	Allow premises to become dangerous or unsightly	5

Clause	Offence	Penalty
<b>Part 12</b>	<b>Naming of Roads and Numbering of Premises</b>	
12.1	Failure to number premises	3
12.4	Interfering with numbers and street signs	3
<b>Part 13</b>	<b>Vehicles</b>	
13.1	Unauthorised vehicle in public places	3
13.2	Unauthorised vehicle in recreational reserve	5
13.3 - 13.4	Repair of vehicle in public places	5
13.5	Heavy vehicle or machinery without a <i>permit</i>	5
13.6	Unauthorised attaching of vehicle to a council asset or public place	5
13.7 – 13.12	Unauthorised use of Vehicle Parking Permit	5
13.13 – 13.17	Move vehicles for road works	5
<b>Part 14</b>	<b>Noise</b>	
14.1	Excessive noise	10
14.2	Unauthorised delivery of goods	10
14.3	Noise from intruder alarms	5
<b>Part 15</b>	<b>Miscellaneous</b>	
15.1	Nuisance	5
15.2	Failure to obtain a permit for bulk rubbish container	5
15.3	Obstruction or interference with passage of pedestrians or traffic	3
15.4	Abandonment of shopping trolley	3
15.5	Placement of charity/donation bin without a permit	5
<b>Part 17</b>	<b>Notice to Comply and directions</b>	
17.1	Failure to comply with a Notice to Comply or direction	5

## Schedule 2

### Part A – *Smoke free areas*

The following areas are *smoke free areas* for the purposes of Part 4 of this Local Law:

1. any *children's playground*, and any area abutting such *children's playground*, *prescribed* by the *Council*; and
2. any parcel of land on which a *child care centre* is located, and any area abutting such parcel of land, *prescribed* by the *Council*.

### Part B – Guidelines for Prescribing *Smoke free areas*

When determining whether to *prescribe* a *smoke free area* for the purposes of clause 4.4 of this Local Law, the *Council* must have regard to the following factors:

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

This document is issued by the Moreland City Council.

**Dr Nerina Di Lorenzo**

Chief Executive Officer

and the Moreland City *Council's* duly appointed delegate.