

# Community Amenity Local Law (2015)

26 October 2015

CITY OF WYNDHAM

Community Amenity Local Law (2015)

TABLE OF CONTENTS

**PART 1 PRELIMINARY ..... 1**

Title ..... 1

What are the objectives of this Local Law? ..... 1

What authorises this Local Law? ..... 1

When does this Local Law commence? ..... 1

When does this Local Law end? ..... 1

To what part of the *municipal district* does this Local Law apply? ..... 1

What does this Local Law replace? ..... 2

Definitions ..... 2

Notes in this Local Law..... 8

**PART 2 USE OF COUNCIL LAND ..... 9**

What Council may do ..... 9

What a person cannot do ..... 9

Behaviour on Council Land ..... 10

Access to Municipal Places ..... 11

Activities Prohibited in Reserves ..... 12

Activities which may be permitted in Reserves ..... 12

Public Libraries..... 13

**PART 3 PROTECTION OF COUNCIL LAND AND ASSETS ..... 15**

What are a person's responsibilities relating to drains? ..... 15

Watercourses ..... 15

Constructing Vehicle Crossings..... 16

Maintaining Vehicle Crossings..... 16

Directing Vehicle Crossing Works ..... 16

Asset Protection ..... 17

Building Sites Generally ..... 19

Identifying a Building Site ..... 22

Management of Subdivisions..... 23

Works on Council Land and Roads ..... 23

Damaging Council Land or Roads ..... 23

Recreational Vehicles..... 24

Fences Between Private and Council Land ..... 25

**PART 4 MUNICIPAL AMENITY ..... 26**

Unightly Land ..... 26

Dilapidated Buildings ..... 27

Shipping Containers ..... 27

Storage of Second Hand Machinery, Materials, Goods and Vehicles ..... 27

Prohibition on Graffiti ..... 27

Camping..... 28

Caravans..... 28

Camping on Roads or Council Land ..... 29

Exemption ..... 29

Temporary Dwellings..... 29

Vegetation ..... 30

Overhanging Vegetation..... 30

Encroaching Vegetation .....	30
Environmental Weeds .....	30
Prevention of Fire Risks .....	30
Fires .....	31
Fire Breaks.....	31
Exemption .....	31
Nuisances .....	32
Extinguishing Fires .....	33
Numbering of Allotments .....	33
Nuisances and Noise .....	34
Noise from Vehicles .....	35
Noise and Alarms.....	36
Blasting Controls .....	36
<b>PART 5 ROADS AND COUNCIL LAND: OBSTRUCTIONS AND BEHAVIOUR .....</b>	<b>38</b>
Animal Excrement .....	38
Control of Livestock.....	38
Spitting and Fouling.....	39
Shopping Trolleys.....	39
Obstructions on Roads .....	41
Spoil on Roads.....	41
Occupation of Roads for Works.....	42
Repair and Display for Sale of Vehicles.....	42
Storage of Vehicles .....	43
Road Restrictions .....	43
Obedience to Road Restriction Signs .....	43
Consumption and Possession of Alcohol.....	43
Wheeled Toys .....	44
Publication of Prohibited Places .....	44
<b>PART 6 ROADS AND COUNCIL LAND: PARKING.....</b>	<b>45</b>
Parking of Vehicles.....	45
<b>PART 7 COMMERCIAL ACTIVITIES, STREET COLLECTIONS AND DISTRIBUTIONS AND STREET PARTIES .....</b>	<b>46</b>
Commercial Activities on Roads and Council Land.....	46
Street Collection .....	47
Unsolicited Material .....	47
Busking .....	47
Exemptions .....	48
Street Parties .....	48
<b>PART 8 KEEPING OF ANIMALS .....</b>	<b>49</b>
Application of this Part.....	49
Keeping of Animals Generally .....	49
Animal Buildings and Cleanliness.....	50
Noise and Smell from Animals.....	51
Feeding of Animals.....	51
Requirements applying to dogs .....	51
<b>PART 9 RESOURCE RECOVERY.....</b>	<b>53</b>
Resource Collection .....	53
Interference with Waste.....	57
Suspension of Waste Collection Service .....	57
Street and Other Litter .....	57

Transportation of Waste .....	57
Storage of Trade Waste .....	58
Trade Waste Bins and Hoppers.....	58
Certain Waste Only to be Collected During Certain Hours.....	59
Exemptions .....	59
Waste Management Plans .....	59
<b>PART 10 ADMINISTRATION AND ENFORCEMENT .....</b>	<b>60</b>
Impounding .....	60
Notices to Comply .....	61
Permits.....	61
Considering Applications.....	62
Correction of Permits.....	62
Grounds for Cancellation of or Amendment of Permits.....	62
Urgent Circumstances .....	63
Offences.....	63
Infringement Notices .....	64

## PART 1 PRELIMINARY

### Title

1. This Local Law is called the " Community Amenity Local Law (2015)".

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

2. The objectives of this Local Law are to:
  - 2.1 provide for the peace, order and good government of the *municipal district*;
  - 2.2 promote a physical and social environment free from hazards to health, in which the residents of the *municipal district* can enjoy a quality of life that meets the general expectations of the community;
  - 2.3 protect the amenity of and safety within the *municipal district*;
  - 2.4 protect *Council* assets and the environment of the *municipal district*; and
  - 2.5 prevent and suppress nuisances which may adversely affect the enjoyment of life within the *municipal district* or the health, safety and welfare of persons within the *municipal district*,and to achieve these objectives by:
  - 2.6 regulating and controlling activities of people within the *municipal district* which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the *municipal district*; and
  - 2.7 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the *municipal district*.

### What authorises this Local Law?

3. This Local Law is made under section 111 of the *Act* and section 42 of the *Domestic Animals Act 1994*.

### When does this Local Law commence?

4. This Local Law commences on 26 November 2015.

### When does this Local Law end?

5. Unless revoked sooner, this Local Law ends on 26 November 2025.

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

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

## What does this Local Law replace?

7. From the commencement of this Local Law, the following Local Laws previously made by *Council* are revoked:
  - 7.1 Local Law No. 13;
  - 7.2 Local Law No. 14;
  - 7.3 Local Law No. 15; and
  - 7.4 Local Law No. 16.

## Definitions

8. The words identified in italics throughout this Local Law are intended to have the following meanings, unless the context suggests otherwise:

*“advertising sign”* means any placard, board, sign, card, or banner, whether portable or affixed or attached to any land or building which:

- (a) provides information about a business or industry; or
- (b) advertises goods, services, an event or a competition.

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

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

*“allotment”* means any land in separate ownership or occupation that can be disposed of separately under section 8A of the *Sale of Land Act 1962* without being subdivided.

*“animal”* includes every species of quadruped and every species of bird (including, without limitation, poultry).

*“appointed agent”* means the person authorised in writing by an owner of land to make an application, appeal, referral or representation on the owner's behalf.

*“approved garbage receptacle”* means a wheeled mobile garbage receptacle supplied by *Council* for the purpose of disposing of *domestic waste*.

*“approved green waste receptacle”* means a wheeled green waste receptacle supplied by *Council* for the purpose of disposing of *green waste*.

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

*“authorised officer”* means a person appointed by *Council* to be an authorised officer under section 224 of the *Act*.

*“authorised token”* means any object the same size as an Australian currency one (1) dollar (\$1) or two (2) dollar (\$2) coin approved by a *retailer* to release a trolley

from a coin mechanism, other than an Australian currency one (1) dollar (\$) or two (2) dollar (\$) coin.

“*blasting*” means any blasting operation:

- (a) other than in a mine, quarry, clay pit, gravel pit, sand pit or extractive industry; or
- (b) which is not regulated by the *Mineral Resources (Sustainable Development) Act 1994*.

“*builder*” means a person who carries out *building work* or, not being an owner of land on which the *building work* is carried out, manages or arranges the carrying out of *building work*.

“*builder’s refuse*” includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality, includes any glass, metal, plastic paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with *building work*.

“*building site*” means the parcel of land on which *building work* is to be carried out or is being carried out;

“*building work*” means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, including excavation, landscaping, concreting, and subdivision *road* construction but excludes *minor building work*.

“*bulk rubbish container*” means a bin, skip or other container used for the deposit of waste, but excludes a *receptacle* used in connection with *Council’s* waste collection services.

“*busk*” means entertain, whether by playing a musical instrument, singing, conjuring, juggling, miming, dancing, operating puppets, drawing on a pavement or otherwise.

“*caravan*” includes a mobile home and moveable *dwelling*.

“*carriageway*” means the portion of the *road* generally available for traffic by *motor vehicles*, whether sealed, formed or unconstructed.

“*coin deposit and release mechanism*” means a coin-operated lock that operates with the insertion of an Australian currency one (1) dollar (\$) or two (2) dollar (\$) coin or equivalent *authorised token* of the same size.

“*clothing collection bin*” means any bin dedicated to the collection of used clothing or small household items.

“*commercial purposes*” includes the conduct of a fete, festival or like event.

“*Commercial Zone*” means a commercial or business zone under the Wyndham Planning Scheme.

“*construction period*” means the period during which *building work* is being carried out.

“*Council*” means Wyndham City Council.

“*Council land*” means any land (including a building) vested in or under the control of *Council*, including a *reserve*, watercourse, reservation and the like but excludes a *road*.

“*designate*” means determine and then publish, and keep published, on *Council’s* website details of that determination.

“*domestic waste*” means all waste or rubbish produced or accumulated in or on any land but excludes:

- (a) hot or burning materials;
- (b) nightsoil, sewerage, and animal excreta unless it is wrapped in a manner which prevents its escape;
- (c) slops or liquid wastes;
- (d) waste generated from *building work*;
- (e) waste generated from the restoration, repair or servicing of *motor vehicles*;
- (f) waste from a vacuum cleaner, hair, moist refuse or similar waste, unless it is wrapped or contained in a manner which prevents its escape;
- (g) ash, unless it is:
  - (i) cold;
  - (ii) dampened; and
  - (iii) wrapped or contained in a manner which prevents its escape;
- (h) *trade waste*;
- (i) recyclables;
- (j) oil, paints, solvents and similar substances;
- (k) any broken glass, lancet or other sharp object, unless:
  - (i) it is wrapped in impermeable material; or
  - (ii) contained entirely within an impermeable receptacle from which it cannot escape;
- (l) disposable nappies, unless they have been cleaned of faeces and wrapped in impermeable material;
- (m) any waste that cannot be contained in an *approved garbage receptacle* due to its size, shape, nature or volume;
- (n) medical or veterinary waste;
- (o) building materials, including, without limitation, bricks, concrete, timber and metal objects;



- (p) furniture and like objects;
- (q) *motor vehicle* parts;
- (r) green waste;
- (s) any object which may damage the collection mechanism or a *vehicle* used for the collection of refuse; and
- (t) any other substance declared by *Council* or an *authorised officer* not to constitute "*domestic waste*" for the purposes of this Local Law from time to time, the details of which appear on *Council's* website.

"*dwelling*" means a building or portion of a building, which is used, or intended, adapted or designed, for residential purposes.

"*environmental weed*" means a plant which is *designated* by *Council* to be an environmental weed for the purposes of this Local Law.

"*fireworks*" means a pyrotechnic device containing an explosive composition which, upon functioning, will burn or explode to produce a visual or sound effect but excludes a distress signal.

"*frontage*" means a boundary between an *allotment* and an adjoining *road*, and if an *allotment* adjoins more than one (1) *road*, the *frontage* is the boundary between the *allotment* and the *road* to which the largest building on the *allotment* fronts.

"*green waste*" means all organic waste produced or accumulated in or on any land, including grass clippings, branches, garden prunings, leaves and other waste declared by *Council* to constitute "*green waste*" for the purposes of this Local Law (the details of which appear on *Council's* website) but excluding any log, stump, soil, rubbish, *domestic waste* or portion of a tree, shrub, trunk or branch which has a diameter exceeding 75 millimetres or a length exceeding 400 millimetres.

"*habitable room*" means any room in a *dwelling*, other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stairs, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor extensively.

"*incinerator*" means any structure, device or item of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and is not:

- (a) enclosed in any building;
- (b) a barbeque; or
- (c) licensed under the provisions of the *Environment Protection Act 1970*.

"*Industrial Zone*" means an industrial zone under the Wyndham Planning Scheme.

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

"*minor building work*" means *building work* valued at less than \$5,000 but excludes the construction of any masonry structure and the demolition and removal of buildings and structures (regardless of value).

“*motor vehicle*” has the meaning ascribed to it by the *Road Safety Act 1986*.

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

“*Municipal Place*” means any building which is on *Council land*, and includes a *public library* and any recreation centre which is owned, occupied or under the management or control of *Council*.

“*Notice to Comply*” means a notice served under clause 200.

“*parking area*” means a parking area in which lawful parking is restricted, whether for the whole or part of a day.

“*permit*” means a permit issued under this Local Law.

“*poultry*” includes hens, bantam, squab and other edible birds over the age of 12 weeks but excludes roosters, fowl, guinea fowl, turkeys, geese and ducks;

“*private land*” means any land which is not *Council land* nor land occupied or under the control or management of a public body.

“*public body*” has the meaning ascribed to it by section 3(1) of the *Act*.

“*public holiday*” means a public holiday within the meaning of the *Public Holidays Act 1993*, applying in the *municipal district*.

“*public library*” means a library operated by *Council*.

“*public library manager*” means a member of Council staff who manages a public library.

“*public place*” has the meaning ascribed to it by the *Summary Offences Act 1966*.

“*receptacle*” means any approved garbage receptacle, approved green waste receptacle or recycling receptacle.

“*recreational vehicle*” means any mini-bike, trail-bike, motor bike, motor scooter, go-kart or other *vehicle* propelled by a motor which is ordinarily used for recreational purposes but excludes a motorised wheelchair.

“*recyclables*” means any empty glass bottles or jars (clear, brown or green), polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl polyethylene (PVC), hard plastics (coded or uncoded), aluminium cans and foil, steel cans, clean paper and cardboard, liquid paper board and any other material which *Council* has resolved to be *recyclables* for the purposes of this Local Law (the details of which appear on *Council’s* website).

“*recycling receptacle*” means any blue-lidded receptacle for the collection of *recyclables*, supplied by *Council*.

“*refuse facility*” means a receptacle capable of retaining all *builder’s refuse* within a *building site* and preventing removal of the *builder’s refuse* by unauthorised persons or by wind or rain.

“*reserve*” means any land which is owned, occupied or managed or controlled by *Council* and dedicated or used for outdoor cultural, sporting or recreational purposes.

“*Residential Area*” means any area zoned as residential or predominantly residential under an applicable Planning Scheme.

“*Residential Zone*” means:

- (a) any zone designated as the or a General Residential Zone, Lower Density Zone or Mixed Use Zone under the Wyndham Planning Scheme; and
- (b) any other zone or part of a zone under the Wyndham Planning Scheme *designated by Council* as a Residential Zone.

“*retailer*” means a person who sells goods by retail and provides shopping trolleys to its customers.

“*road*” has the meaning ascribed to it by section 3 of the *Act*.

“*Rural Zone*” means:

- (a) any zone designated as the or a Farm Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conversation Zone or Rural Living Zone under the Wyndham Planning Scheme; and
- (b) any other zone or part of a zone under the Wyndham Planning Scheme *designated by Council* as a Rural Zone.

“*sell*” includes:

- (a) sell by means of any machine or mechanical device;
- (b) barter or exchange;
- (c) agree to sell;
- (d) offer or expose for sale; or
- (e) keep or have in possession for sale

and directing, causing or attempting any of such acts or things.

“*Service Authority*” means an emergency service or a public body which *Council* has resolved is a *Service Authority* for the purposes of this Local Law and which is described as such on *Council’s* website.

“*stormwater system*” means a drainage system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

“*street party*” means an organised social gathering of up to 150 people which is held on a *road* for the sole purpose of bringing together people in a particular locality.

“*temporary dwelling*” means a moveable dwelling used prior to or during construction of a primary dwelling.

*“trade waste”* means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.

*“trade waste hopper”* means a purpose-built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means.

*“vehicle”* includes any conveyance propelled or drawn by human, animal, mechanical, electrical or other power.

*“wheeled toy”* means a child’s pedal car, scooter, skateboard, roller skates, roller blades, tricycle or similar toy vehicle to which wheels or blades are attached.

## **Notes in this Local Law**

9. Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.

## PART 2

### USE OF COUNCIL LAND

**Introduction:** This Part contains provisions that define what is and what is not permitted on Council land. Generally, the provisions apply to *Council land*. Specific provisions then extend to *Municipal Places* and *reserves*.

#### What Council may do

10. Council may:
  - 10.1 restrict access to *Council land* or part of it;
  - 10.2 authorise any person to occupy *Council land*;
  - 10.3 close any *Council land* or part of it to the public;
  - 10.4 establish conditions of entry to *Council land*;
  - 10.5 set or authorise another person to set fees or charges for admission to or the hire or use of *Council land* or part of it;
  - 10.6 set or authorise another person to set fees or charges for the hire or use of any *Council* property in connection with *Council land*; and
  - 10.7 authorise a person to do any one or more of the things described in clause 10.1 - 10.6 (inclusive);
11. *Council* may from time to time establish:
  - 11.1 conditions applying to and fees or charges for admission to or the hire or use of *Council land* or part of *Council land*; and
  - 11.2 conditions applying to and fees or charges for the hire or use of any property of *Council* in connection with *Council land*.
12. In exercising the powers conferred by clause 11, *Council*, an *authorised officer* or any person authorised by *Council* may determine conditions applying to and fees and charges for admission to or the use of *Council land*:
  - 12.1 on multiple occasions;
  - 12.2 over a period of time; or
  - 12.3 on any other basis that it, he or she considers appropriate.

#### What a person cannot do

13. A person must not, without the consent of *Council* or an *authorised officer*:
  - 13.1 act contrary to any conditions of entry applicable to *Council land*;

- 13.2 enter *Council land* without paying any fee or charge applicable to that *Council land* or the hire or use of the *Council land*;
- 13.3 hire or use any *Council* property in connection with *Council land* without first paying any fee or charge which is applicable;
- 13.4 remain on *Council land* after being directed to leave by an *authorised officer*, or
- 13.5 enter *Council land*, after having been directed to leave that *Council land* by an *authorised officer*, until he or she is granted written permission to do so by *Council* or an *authorised officer*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## **Behaviour on Council Land**

14. A person must not:
  - 14.1 commit any nuisance on *Council land*;
  - 14.2 interfere with another person's use and enjoyment of *Council land*;
  - 14.3 act in a manner which endangers any other person on *Council land*;
  - 14.4 use indecent, insulting, offensive or abusive language on *Council land*;
  - 14.5 behave in an indecent, offensive, insulting or riotous manner on *Council land*;
  - 14.6 without the consent of *Council* or an *authorised officer*:
    - 14.6.1 destroy, damage, interfere with or deface *Council land*;
    - 14.6.2 destroy, damage, interfere with or deface anything located at or on *Council land*; or
    - 14.6.3 remove any object which is owned by *Council* from *Council land*;
  - 14.7 act in a manner contrary to any restriction or prohibition contained in the inscription on a sign on *Council land*;
  - 14.8 except for a child under the age of six (6) years in the care of a responsible person, enter or use any dressing room, shower, convenience or other area on *Council land* which has been appropriated for persons of the opposite gender;
  - 14.9 without the consent of *Council* or an *authorised officer*, sell any goods or services on *Council land*;
  - 14.10 without the consent of *Council* or an *authorised officer*, erect, affix, place or leave any advertisement on *Council land*;

- 14.11 without the consent of *Council* or an *authorised officer*, erect, operate or cause to be erected or operated any amusement on *Council land*;
- 14.12 obstruct, hinder or interfere with any member of staff of *Council* in the performance of his or her duties on *Council land*;
- 14.13 act contrary to any lawful direction of an *authorised officer* or member of *Council* staff given on *Council land*, including, without limitation, a direction to leave on *Council land*, whether or not a fee for admission to the *Council land* has been paid;
- 14.14 use or interfere with any life saving or emergency device located on *Council land*, unless:
  - 14.14.1 using the device in an emergency; or
  - 14.14.2 participating in an instruction approved by *Council* or an *authorised officer*;
- 14.15 organise any function or event on *Council land* without the consent of *Council* or an *authorised officer*; or
- 14.16 bring onto *Council land* any substance, liquid or powder which may:
  - 14.16.1 be dangerous or injurious to health;
  - 14.16.2 have the potential to foul, pollute or soil any part of the *Council land*; or
  - 14.16.3 cause discomfort to any personwithout the consent of *Council* or an *authorised officer*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## **Access to Municipal Places**

- 15. *Council* or an *authorised officer* may determine the hours when any *Municipal Place* will be open to the public.
- 16. A person must not, without the consent of *Council* or an *authorised officer*.
  - 16.1 enter a *Municipal Place* other than through an entrance provided for that purpose;
  - 16.2 enter or remain in a *Municipal Place* during hours when the *Municipal Place* is not open to the public;
  - 16.3 bring any *animal* into, or allow any *animal* under his or her control to remain in, a *Municipal Place* without the consent of *Council* or an *authorised officer*, except for a guide dog or assistance dog being used by that person; or
  - 16.4 bring any vehicle or wheeled toy into a *Municipal Place* without the consent of *Council* or an *authorised officer*, except for:

- 16.4.1 a pram or pusher being used by a child; or
- 16.4.2 a wheelchair or other mobility device being used by a physically disabled person.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

## Activities Prohibited in Reserves

- 17. In a *reserve*, a person must not:
  - 17.1 unless that person is a player, official or competitor in or at a sporting match, training session or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering;
  - 17.2 climb or jump on any wall, fence, gate, seat or other structure;
  - 17.3 intentionally roll or throw any stone or missile so as to endanger any person or cause any damage;
  - 17.4 use any children's playground equipment other than for the purpose for which it is provided;
  - 17.5 swim, paddle, dive or jump into or enter any wetland, lake, pond or other watercourse (including a creek) or any fountain;
  - 17.6 throw, place or allow to be thrown or placed any liquid, stone, stick, paper, dirt or other object, substance or thing into any wetland, lake, pond or other watercourse (including a creek) or any fountain;
  - 17.7 play, engage in or practise any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is:
    - 17.7.1 dangerous to any other person in the *reserve*; or
    - 17.7.2 likely to interfere with the reasonable use or enjoyment of the *reserve* by any other person; or
  - 17.8 play or practise golf other than in a *reserve designated* or set aside by signage as a golf course.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Activities which may be permitted in Reserves

- 18. In a *reserve*, a person must not, without a *permit* or other form of written approval given by *Council*:
  - 18.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane);
  - 18.2 ride:



- 18.2.1 or drive or leave standing a *vehicle*; or
- 18.2.2 an animal
  - other than in an area within the *reserve* set aside for such an activity or *act*;
- 18.3 play, organise, practise or engage in any organised competitive sport or game;
- 18.4 camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
- 18.5 conduct or celebrate a wedding;
- 18.6 organise, hold or participate in any rally, procession, demonstration or any other public gathering;
- 18.7 hold a circus or carnival or use the *reserve* for other *commercial purposes* (including but not limited to fitness training conducted for commercial gain);
- 18.8 make a collection of money;
- 18.9 carry any firearm except a pistol intended and designed for use as sporting official's starting pistol;
- 18.10 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;
- 18.11 use an amplifier; or
- 18.12 walk on any plot, bed, border or any other area set aside for vegetation.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Public Libraries

- 19. Council may:
  - 19.1 establish conditions of membership for any *public library*; and
  - 19.2 set fees or charges in connection with the use of any *public library*.
- 20. A person:
  - 20.1 who is a member of a *public library* must comply with any conditions of membership which have been established under clause 19.1 and which are applicable to him or her;
  - 20.2 must pay any fee or charge set under clause 19.2 which is applicable to him or her; and
  - 20.3 must:

- 20.3.1 open for inspection at the request of a *public library manager* or any other member of *Council* staff present in the *public library* any bag, briefcase, container or other receptacle in his or her possession;
- 20.3.2 not leave any pamphlet, poster or handbill in any *public library* without the consent of a *public library manager* or other member of *Council* staff present in the *public library*;
- 20.3.3 relinquish any item ordinarily held in the *public library* at the request of any *public library manager* or other member of *Council* staff present in the *public library*; and
- 20.3.4 not leave any child under the age of 11 years unsupervised in any *public library* without the consent of the relevant *public library manager* or other member of *Council* staff present in the *public library*.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

**PART 3**

**PROTECTION OF COUNCIL LAND AND ASSETS**

**Introduction:** This Part is designed to protect *Council land* and assets. Specifically, it regulates drains, vehicle crossings and recreational vehicles. More generally, it establishes a system of *Asset Protection Permits*, as a means of regulating *building work* which may harm *Council land* or assets.

**What are a person's responsibilities relating to drains?**

21. A person must not:

21.1 without a *permit*, destroy, damage, interfere with or tap into any drain, culvert or sewer vested in *Council*

**Maximum Penalty: 10 Penalty Units;  
Fixed Infringement Notice Penalty: 2 Penalty Units;**

21.2 allow any drain vested in him or her and located on land which he or she owns or occupies to fall into disrepair or a condition which is dangerous to health

**Maximum Penalty: 10 Penalty Units;  
Fixed Infringement Notice Penalty: 2 Penalty Units; or**

21.3 perform any act in relation to a drain into which he or she has been permitted to tap or to which he or she has been permitted to connect which causes the drain to:

21.3.1 fall into disrepair; or

21.3.2 develop a condition which is dangerous to health or the environment.

**Maximum Penalty: 5 Penalty Units  
Fixed Infringement Notice Penalty: 2 Penalty Units**

**Watercourses**

22. A person must not, without a *permit*, destroy, damage or interfere with any watercourse, wetland, ditch, creek, swamp, gutter, tunnel, bridge, levy or culvert which is vested in or under the management or control of *Council*.

**Maximum Penalty: 10 Penalty Units  
Fixed Infringement Notice Penalty: 2 Penalty Units**

23. An owner or occupier of land must not allow irrigation water to flow or spray from that land onto a *road*.

**Maximum Penalty: 5 Penalty Units  
Fixed Infringement Notice Penalty: 2 Penalty Units**

## Constructing Vehicle Crossings

24.

- 24.1 A person must not, without a *permit*, construct, remove, alter or relocate any temporary or permanent vehicle crossing.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

- 24.2 Each owner and occupier of land must not, without a *permit*.

24.2.1 construct or allow to be constructed; or

24.2.2 use or allow to be used

a second or subsequent vehicle crossing to service the land.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Maintaining Vehicle Crossings

25. Each owner and occupier of land must:

- 25.1 ensure that, if a vehicle crossing has been constructed to service the land, vehicles only access the land from the vehicle crossing; and

- 25.2 maintain and keep in good condition any vehicle crossing which services that land.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Directing Vehicle Crossing Works

26. Council or an authorised officer may direct:

26.1 the construction of a temporary or permanent vehicle crossing;

26.2 the repair or reconstruction of a vehicle crossing; or

26.3 the removal of a vehicle crossing, and the reinstatement of any kerb, channel, footpath or other areas to the satisfaction of the *authorised officer*

by the owner or occupier of any adjacent land at his or her cost.

27. Each owner or occupier of land to whom a direction has been given under clause 26 must comply with that direction by applying for a *permit* to do the thing which is directed.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Asset Protection

28. The:
- 28.1 owner of any land;
  - 28.2 *builder* engaged to carry out *building work* on land; or
  - 28.3 appointed agent
- must:
- 28.4 obtain an *Asset Protection Permit* before carrying out the *building work*; or allowing the *building work* to be carried out on that land; or
  - 28.5 not carry out or allow to be carried out any *building work* on that land unless an *Asset Protection Permit* has been obtained.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

29. On the payment of an application fee, *Council* may issue an *Asset Protection Permit* in respect of any land where *building work* is to be carried out.
30. An *Asset Protection Permit* may be subject to such conditions as *Council* determines, including conditions:
- 30.1 requiring protection works to be done;
  - 30.2 requiring the payment of a security bond;
  - 30.3 requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time and to the satisfaction of *Council*; or
  - 30.4 requiring a temporary vehicle crossing to be installed to *Council's* specification before commencement of any *building work* or delivery of any equipment or materials to the land.
31. A person who is not one of the persons described in clause 28 must not:
- 31.1 carry out *building work* on land unless, in respect of the *building work*, an *Asset Protection Permit* has been obtained; or
  - 31.2 deliver to a *building site* any equipment or materials unless an *Asset Protection Permit* has, in respect of the *building work* being carried out on the land, been obtained.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

32. The:
- 32.1 owner of any land on which *building work* is being or is to be carried out;
  - 32.2 *builder* engaged to carry out *building work* on land;

- 32.3 appointed agent; or
- 32.4 driver of any *vehicle* accessing a *building site*

must, in respect of the *building site*, ensure that:

- 32.5 entry takes place only across a temporary vehicle crossing unless otherwise permitted by *Council* and in accordance with that permission;
- 32.6 no materials are deposited on any part of an adjacent or abutting *road* or *Council land* without the approval of *Council*; and
- 32.7 no materials are deposited on any adjacent or abutting *private land* or land vested in or owned by a *public body* other than *Council* without the approval of the owner of that *private land* or that *public body*.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

- 33. Regardless of whether a building permit has been issued, the:
  - 33.1 owner of any land on which *building work* is being or is to be carried out;
  - 33.2 *builder* engaged to carry out *building work* on land; or
  - 33.3 appointed agentmust:
  - 33.4 notify *Council* in writing of the proposed *building work* at least seven (7) days before the *building work* commences; and
  - 33.5 provide to *Council* written notice of any prior damage to any part of the adjoining *road* or any other adjoining public asset or infrastructure at least seven (7) days before *building work* commences or the delivery of any equipment or materials to the land which relate to that *building work*.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

- 34. If the owner, *builder* or *appointed agent* fails to give written notice in accordance with clause 33.5, it must be presumed that there was no prior damage to any part of the adjoining *road*, *Council land* or other adjoining public asset or infrastructure prior to the commencement of *building work*.
- 35. The owner of land on which *building work* is being or has been carried out, *builder* or *appointed agent* must repair to the satisfaction of *Council* any damaged *road* (including *carriageway*), channel, drain, vehicle crossing or other asset vested in *Council* adjacent to the land where the *building work* takes place or which is likely to be affected by the *building work* for which an *Asset Protection Permit* has been obtained.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

36. The amount of any security bond required under any *Asset Protection Permit* must be proportionate to the likely costs of repairing any potential damage to any existing *Council land, road (including carriageway)*, channel, drain, vehicle crossing or other public asset arising from the *building work*.
37. Upon completion of the *building work*, the amount of the security bond:
  - 37.1 may be retained by *Council* to offset the costs of carrying out any works in accordance with this Local Law;
  - 37.2 may be refunded to the person who lodged it, upon *Council's* satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction; and
  - 37.3 must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with this Local Law and the amount of the bond, if *Council* is satisfied that the amount of the bond is insufficient to meet such cost and it makes a demand for such payment in writing.
38. Where *Council* so determines, it may agree to accept an alternative form of security to a security bond.
39. It is a defence to a prosecution for an offence against clause 58 that there was in force at the time of the alleged offence a current *Asset Protection Permit* relating to the land and that there was compliance with the conditions of that *Asset Protection Permit*.

## **Building Sites Generally**

40. *Council* or an *authorised officer* may inspect a *building site* at any reasonable time.
41. If *Council* or an *authorised officer* identifies any damage which appears to result from non-compliance with this Local Law, an *authorised officer*:
  - 41.1 may direct the responsible party to reinstate the damage within a specified time; and
  - 41.2 must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable timeframe.
42. A responsible party must comply with any direction given under clause 41.1.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

43. Where any *building work* is being carried out on any land, the owner of the land, the *builder* engaged to carry out *building work* on the land or the *appointed agent* must ensure that the *building site* is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants, by adopting measures to prevent:
  - 43.1 mud, dirt, sand, soil or stones being deposited on an abutting road or being washed into the *stormwater system*; and

- 43.2 building clean-up, wash-down or other wastes being discharged offsite or being allowed to enter the *stormwater system*.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

44. Where any *building work* is being carried out on any land, the owner of the land, *builder* engaged to carry out *building work* on the land or *appointed agent* must:
- 44.1 ensure that any polystyrene foam material kept on the *building site* is secure and does not blow beyond the boundary of the *building site*;
- 44.2 provide a *refuse facility* for the purpose of disposal of *builder's refuse*, and, provided the *refuse facility* contains all *builder's refuse* on the land to the satisfaction of *Council* or an *authorised officer*, its size, design and construction will be at the discretion of the *builder*;
- 44.3 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*;
- 44.4 not place the *refuse facility* on any *Council land* or *road* without a *permit*;
- 44.5 empty the *refuse facility* whenever full, and, if necessary, provide a replacement *refuse facility* during the emptying process; and
- 44.6 ensure that except when *builder's refuse* is being deposited into the *refuse facility* or the *refuse facility* is being emptied, the lid of the *refuse facility* remains closed at all times.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

45. During *building work*, the:
- 45.1 owner of land on which the *building work* is being carried out;
- 45.2 *builder* engaged to carry out the *building work*; or
- 45.3 appointed agent
- must ensure that:
- 45.4 all *builder's refuse* which requires containment is placed in the *refuse facility*;
- 45.5 the *builder's refuse* is not deposited in or on any land other than in accordance with clause 44;
- 45.6 the *builder's refuse* is not deposited in or over any part of the *stormwater system*,

and must ensure that all residual polystyrene foam material is removed from the *building site* within 48 hours of any slab being poured.

**Maximum Penalty: 20 Penalty Units**



**Fixed Infringement Notice Penalty: 2 Penalty Units**

46. On any land where *building work* is being, or has been, carried out, the:
- 46.1 owner of the land on which the *building work* is being or has been carried out;
  - 46.2 *builder* engaged to carry out the *building work*; or
  - 46.3 appointed agent

must remove and lawfully dispose of all *builder's refuse*, including, without limiting the generality, the *builder's refuse* in the *refuse facility*, within seven (7) days of completion of the *construction period* or issue of an occupancy permit, whichever occurs last.

**Maximum Penalty: 10 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

47. The:
- 47.1 owner of the land on which the *building work* is being or is to be carried out;
  - 47.2 *builder* engaged to carry out the *building work*; or
  - 47.3 appointed agent

must not carry out or allow to be carried out any *building work* or other work necessitating the employment or engagement of persons on a *building site* unless a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (at least monthly) for the use of persons on that *building site* to the satisfaction of *Council* or an *authorised officer*.

**Maximum Penalty: 10 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

48. No liability will arise under clause 47 if:
- 48.1 a building is being constructed on an adjacent *building site* simultaneously by the same person; and
  - 48.2 *Council* allows and there is provided one (1) sewerer toilet system or a fresh water flush with waste seal type portable toilet (closed) system serviced as required for three (3) *building sites*.

49. Without limiting clause 40, an *authorised officer* may enter any *building site* at any reasonable time for the purpose of inspecting any sewerer toilet, portable toilet (closed) systems, urinal, pan, receptacle, *vehicle*, plant or other thing placed on it, for the purpose of carrying out the provisions of this Local Law.

50. The:
- 50.1 owner of land on which *building work* is to be carried out;
  - 50.2 *builder* engaged to carry out the *building work* on land; or

50.3 appointed agent

must not, without a *permit*, carry out or allow to be carried out any *building work* on the land unless, in respect of that *building work*, the land is secure with permanent or temporary fencing which is at least 1.8 metres high and is to the satisfaction of *Council*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

**Identifying a Building Site**

51. Prior to the commencement of any *building work* the:

51.1 owner of land on which *building work* is to be carried out;

51.2 *builder* engaged to carry out the *building work*; or

51.3 appointed agent

must erect a sign at the main entrance of the *building site* which:

51.4 is at least 600 millimetres in height and 400 millimetres in width;

51.5 is placed and maintained in such a location that makes it clearly visible and legible from the *road*;

51.6 contains the lot number of the *building site* as described in the relevant certificate of title; and

51.7 identifies the name, postal address and a business hours contact telephone number of the person in charge of the *building work*

and ensure that such a sign remains there during the *construction period*.

**Maximum Penalty: 5 penalty units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

52. A person must not remove or cause to be removed a sign referred to in clause 51 until completion of the *building work*.

**Maximum Penalty: 5 penalty units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

53. If, prior to the completion of the *building work*, there is a change of *builder*, the owner of the land on which the *building work* is to be carried out must, within seven days of that change, give a written and signed notice to *Council*, specifying the date of the change of *builder* and details of the *builder* who has been replaced and the new *builder*.

**Maximum Penalty: 5 penalty units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

54. From the date of receipt of the notice under clause 53, the new *builder* specified in the notice becomes the *builder* for the purposes of this Local Law.

## Management of Subdivisions

55. Prior to the commencement of any *building work* the:

55.1 owner of the land on which *building work* is to be carried out;

55.2 *builder* engaged to carry out the *building work*; or

55.3 appointed agent

must erect a sign at each access gate to the *building site* (other than the main entrance) that:

55.4 is at least 800 millimetres in height and 1200 millimetres in width;

55.5 is placed and maintained in such a location that makes it clearly visible and legible from the *road*;

55.6 contains the name of the person or organisation that owns the *building site*; and

55.7 identifies the name, postal address and a business contact telephone number of the person in charge of the *building work* which can be reached 24 hours a day

and ensure that such a sign remains there during the *construction period*.

**Maximum Penalty: 5 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

56. A person must not remove or cause to be removed a sign referred to in clause 55 until completion of the *building work*.

**Maximum Penalty: 5 penalty units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Works on Council Land and Roads

57. Where a person is required to undertake any works on *Council land* or a *road* that person must obtain all necessary permits, consents and licences and:

57.1 undertake those works safely;

57.2 provide and maintain pedestrian and traffic control devices during the course of the works; and

57.3 ensure that any pedestrian or traffic control device which is being used on or in respect of the land complies with Australian Standard AS 1742.3 published by or on behalf of Australian Standards.

**Maximum Penalty: 20 Penalty Units**

**Fixed Infringement Notice Penalty: 5 Penalty Units**

## Damaging Council Land or Roads

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

- 58.1 destroy, damage or interfere with any *road* or thing on a *road*;
- 58.2 place or allow to be placed any thing on any *road* so as to endanger any other person or any property;
- 58.3 light a fire on any *Council land* or any *road*, except in a properly constructed barbecue; or
- 58.4 discharge or cause or allow to be discharged any *fireworks* from *Council land*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

- 59. Clause 58 does not apply to a person employed or engaged by *Council* while acting in the course of his or her duties.

## Recreational Vehicles

- 60. A person must not, without a *permit*:
  - 60.1 use; or
  - 60.2 allow a person under his or her care or control to use a *recreational vehicle* on any land unless:
    - 60.3 the land has been *designated* by *Council* as land on which a *recreational vehicle* can be used;
    - 60.4 the land is *private land* and the owner of that *private land* has consented to the *recreational vehicle* being so used;
    - 60.5 the land is owned, occupied or under the control or management of a *public body* and that *public body* has consented to the *recreational vehicle* being so used; or
    - 60.6 the *recreational vehicle* is not being used for recreational purposes, and the *recreational vehicle* is in a safe and roadworthy condition, and is fitted with a muffler that effectively prevents undue noise being emitted.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

- 61. A person must not:
  - 61.1 use; or
  - 61.2 allow a person under his or her care or control to use a *recreational vehicle* on any land in a manner that emits noise or which otherwise gives rise to a nuisance to any person who is present on adjoining land or on an adjoining *road*.

**Maximum Penalty: 5 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

62. For the purpose of clause 61, whether noise is unreasonable or objectionable will depend upon:
- 62.1 its volume, intensity and duration; and
  - 62.2 the time at and location in which it is emitted and the circumstances of its emission.

**Fences Between Private and Council Land**

63. An owner or occupier of land adjoining *Council land* must not, without a *permit*, construct or otherwise effect an opening or construct or install a gate in any fence on the boundary between his or her land and the adjoining *Council land*.

**Maximum Penalty: 5 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

**PART 4**

**MUNICIPAL AMENITY**

**Introduction:** This Part is concerned with the visual amenity of the *municipal district*. Its provisions control a number of activities which should not be left uncontrolled.

**Unsightly Land**

64. Unless permitted under a Planning Scheme applicable to the land, an owner or occupier of land must not keep that land or allow that land to be kept in a manner which causes in the land to become:

64.1 unsightly;

64.2 dangerous; or

64.3 detrimental to the general amenity of the neighbourhood in which it is located.

**Maximum Penalty: 5 Penalty Units in respect of land located in a *Residential Zone* or *Commercial Zone* and 10 Penalty Units in respect of land located in a *Rural Zone* or *Industrial Zone***

**Fixed Infringement Notice Penalty: 2 Penalty Units in respect of land located in a *Residential Zone* or *Commercial Zone* and 5 Penalty Units in respect of land located in a *Rural Zone* or *Industrial Zone***

65. Without limiting the generality of clause 64, land may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:

65.1 unconstrained rubbish;

65.2 dead trees and/or excessive growth of vegetation;

65.3 waste material;

65.4 *motor vehicles* or any parts of them;

65.5 scrap metal;

65.6 a disused excavation; or

65.7 a building or structure which is incomplete and not currently being constructed.

66. Each owner of vacant land located in a *Business Zone*, *Industrial Zone* or *Residential Zone* must maintain his or her land by:

66.1 keeping grass and undergrowth on that land cut to a height of no more than 150 millimetres; and

66.2 keeping the land clear of rubbish or litter.

so as to make the land safe and give it an overall appearance of neatness.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## **Dilapidated Buildings**

67. The owner or the occupier of any land must not allow a building located on the land to:

67.1 become dilapidated; or

67.2 become further dilapidated

and must maintain any such building in a state of good repair.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

## **Shipping Containers**

68. An owner or occupier of land must not, without a *permit*, keep any shipping container on that land.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## **Storage of Second Hand Machinery, Materials, Goods and Vehicles**

69. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*, use any land for the storage of excessive items of old, used or second hand:

69.1 machinery;

69.2 materials;

69.3 goods; or

69.4 vehicles

or for the assembly or dismantling of any such items.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## **Prohibition on Graffiti**

70. A person must not, without a *permit* or other form of written approval given by *Council*:

70.1 write;

70.2 paint; or

70.3 draw any inscription, figure or mark

on any *building* or object on *Council land* or in any *public place* for the purpose of affecting the visual amenity of the *building* or *object* or the area in which it is located.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Permitting Camping

71. Unless permitted under a Planning Scheme applicable to the land, the owner or occupier of any land must not, without a *permit*, allow any person to:

71.1 occupy; or

71.2 place or cause to be placed for the purpose of occupation:

any *caravan*, tent or other moveable dwelling on that land.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

72. Nothing in clause 71 prevents an owner or occupier of land from allowing another person to occupy a tent for up to 10 consecutive days in any one calendar year or a *caravan* or other movable dwelling if such person is a friend or relative of the owner or occupier, does not pay any fee or charge in respect of the occupation and does not occupy the caravan or moveable dwelling for more than 28 days in any one calendar year.

## Camping

73. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*:

73.1 occupy; or

73.2 cause to be occupied;

any *caravan*, tent or other moveable dwelling.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

74. Nothing in clause 73 prevents a person from occupying or causing to be occupied a tent for up to 10 consecutive days in any one calendar year or any *caravan* or other moveable dwelling if that person is a friend or relative of the owner or occupier of the relevant land, does not pay any fee or charge in respect of the occupation and does not occupy the caravan or other moveable dwelling for more than 28 days in any one calendar year.

## Caravans

75. Unless permitted under a Planning Scheme applicable to the land, a person must not:

75.1 without a *permit*:

75.1.1 place;



75.1.2 cause to be placed; or

75.1.3 permit to be placed

more than one (1) *caravan* on any land; or

75.2 place or cause or allow to be placed a *caravan* on any land unless the placement is to the satisfaction of an *authorised officer*.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

### **Camping on Roads or Council Land**

76. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*:

76.1 camp; or

76.2 erect, place or occupy a *caravan*, tent or similar structure on a road or Council land or in a public place.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

### **Exemption**

77. *Council* or an *authorised officer* may from time to time exempt any:

77.1 person; or

77.2 class of persons;

from the application of clause 71, 73, 75 or 76.

### **Temporary Dwellings**

78. A person must not, without a *permit*, construct or occupy a *temporary dwelling*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

79. Upon the expiry or earlier determination of a *permit* issued under clause 78 the person to whom the *permit* was issued must:

79.1 cease occupying; and

79.2 immediately demolish or dismantle the temporary dwelling.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Vegetation

80. The owner or occupier of any land must not allow any vegetation located on the land to grow in a manner that obstructs the clear view:

80.1 by a driver, of any:

80.1.1 pedestrian;

80.1.2 vehicle;

80.1.3 street sign; or

80.1.4 traffic control item; or

80.2 by a pedestrian, of any:

80.2.1 vehicle;

80.2.2 street sign; or

80.2.3 traffic control item.

**Maximum Penalty: 5 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Overhanging Vegetation

81. An owner or occupier of any land must not allow vegetation on that land to overhang a *road* at a height of less than 4.2 metres from the surface of the *road*.

**Maximum Penalty: 5 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Encroaching Vegetation

82. Notwithstanding clause 81 an owner or occupier of any land must not allow any vegetation on that land to encroach upon any adjacent *Council land*.

**Maximum Penalty: 5 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Environmental Weeds

83. An owner or occupier of land must not allow any *environmental weed* to be present on the land.

**Maximum Penalty: 20 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Prevention of Fire Risks

84. The owner or occupier of any land must:

84.1 ensure that all necessary steps are taken to prevent any fire on, and minimise the possibility of fire spreading from, that land; and

- 84.2 not allow the land to contain any thing which constitutes or is likely to constitute a fire hazard or a source of fuel for a fire.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**NOTE**

Other legislation may impose obligations on owners or occupiers of land in relation to the prevention of fires or protection of vegetation.

85. An *authorised officer* may enter land at any reasonable time for the purpose of inspecting the land and ascertaining whether clause 84 is being complied with.

**Fires**

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

- 86.1 light;  
86.2 allow to be lit; or  
86.3 allow to remain alight  
any:  
86.4 fire in the open air; or  
86.5 incinerator.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**Fire Breaks**

87. An owner or occupier of land in a *Rural Zone* must, between 1 September and the following 30 April, ensure that effective fire breaks have been created on that land by:

- 87.1 slashing a 10 metre break around the perimeter of the land;  
87.2 ploughing or grading a 3 metre break around the perimeter of the land; or  
87.3 burning a 3 metre break around the perimeter of the land in accordance with a *permit* issued for that purpose.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

**Exemption**

88. *Council* may exempt any person or class of persons from complying with 87 if:  
88.1 the land contains native or endangered flora or fauna and a management plan is given to and approved by *Council*;

- 88.2 crop have been planted on the land and, once harvested, fire breaks will be installed and maintained;
- 88.3 *livestock* are grazing or will graze on land, such that the risk of fire is likely to be reduced; or
- 88.4 *Council* is otherwise satisfied that an exemption is, in the circumstances, appropriate.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**Nuisances**

89. A person must not:

- 89.1 burn; or
  - 89.2 cause or permit to be burned
- any substance, if the burning of the substance is likely to:
- 89.3 cause a nuisance;
  - 89.4 be dangerous to the health of any person; or
  - 89.5 be offensive to any person.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

90. Without limiting the application of clause 89, a person must not:

- 90.1 burn; or
  - 90.2 cause or permit to be burned
- any:
- 90.3 rubber or plastic substance;
  - 90.4 waste petroleum oil or material containing waste petroleum oil;
  - 90.5 paint or receptacle which contains or has contained paint;
  - 90.6 manufactured chemical;
  - 90.7 treated timber;
  - 90.8 pressured can;
  - 90.9 textile fabric; or
  - 90.10 food waste.

**Maximum Penalty: 10 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

**Extinguishing Fires**

91. A person who has lit or allowed a fire to remain alight contrary to clause 86, 87, 89 or 90 must extinguish the fire immediately on being directed to do so by:
- 91.1 an authorised officer;
  - 91.2 a member of the Victoria Police; or
  - 91.3 an employee or officer of the Metropolitan Fire and Emergency Services Board or an employee, officer or volunteer of the Country Fire Authority acting in the course of his or her duties.

**Maximum Penalty: 10 Penalty Units**

**Fixed Infringement Notice Penalty: 2 Penalty Units**

92. Nothing in clauses 86 - 91 (inclusive) applies to:
- 92.1 a barbeque while being used for the purposes of cooking food;
  - 92.2 a tool of trade while being used for the purpose for which it was designed;
  - 92.3 a fire lit by a member of staff or officer of the Melbourne Fire and Emergency Services Board or an employee, officer or volunteer of the Country Fire Authority acting lawfully in the course of his or her duties;
  - 92.4 an incinerator licensed under the Environment Protection Act 1970; and
  - 92.5 gas and kerosene lights, flares, outdoor braziers or heaters or burners installed for the comfort or convenience of those seated outside a restaurant, cafe or like establishment.

**Numbering of Allotments**

93. *Council* or an *authorised officer* may from time to time allot a number to an *allotment* and may from time to time allot a different number to an *allotment* or otherwise change the numbering.
94. The owner or occupier of an *allotment* to which a number has been allotted by *Council* or an *authorised officer* must mark the *allotment* with the number:
- 94.1 in a form;
  - 94.2 of sufficient size; and
  - 94.3 in such a position, clear of vegetation, and other obstructions
- so as to be clearly visible and legible from the road on which the *allotment* has its frontage.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

95. The owner or occupier of an *allotment* must ensure that all numbers marking the *allotment* are:
- 95.1 made of durable materials;
  - 95.2 kept in a good state of repair; and
  - 95.3 renewed as often as may be necessary.

**Maximum Penalty: 3 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

96. A person must not, without the written approval of *Council*, purport to name any *road* or alter the name of a *road*.

## **Nuisances and Noise**

97. A person must not cause or allow any noise or nuisance to exist on any land which:
- 97.1 interferes with the:
    - 97.1.1 reasonable comfort of a person on the land or any adjoining land; or
    - 97.1.2 reasonable enjoyment of any part of the land by any person; or
  - 97.2 in the case of noise is:
    - 97.2.1 annoying;
    - 97.2.2 objectionable; or
    - 97.2.3 unreasonable.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

98. For the purposes of clause 97.2, in assessing whether noise is annoying, objectionable or unreasonable regard must be had to:
- 98.1 its volume, intensity or duration; and
  - 98.2 the time when, place where and other circumstances in which it is emitted.
99. A person must not, without a *permit*, perform or permit to be performed any *building work* which can be heard in a *habitable room* of a residence, regardless of whether any door or window of the room is open:
- 99.1 before 7.00am or after 8.00pm on any day from Monday to Friday; or
  - 99.2 before 9.00am or after 8.00pm on a weekend or *public holiday*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

100. Clause 99 does not apply to:

- 100.1 any employee or agent of a permit holder;
  - 100.2 any *building work* being performed by or on behalf of *Council*;
  - 100.3 any *building work* which is subject to a permit issued under the *Planning and Environment Act 1987*, if that permit contains a condition which:
    - 100.3.1 restricts the times during which *building work* may be performed; and
    - 100.3.2 the condition is more restrictive than clause 99; or
  - 100.4 any person to whom section 48 of the *Environment Protection Act 1970* applies.
101. A person who carries out or allows to be carried out any *building work* must ensure that the *building work* is carried out such:
- 101.1 as not to emit excessive dust into the air and onto land proximate to the land on which the *building work* is carried out; and
  - 101.2 that it does not constitute a nuisance or unreasonably interfere with the enjoyment by any person of land proximate to the land on which the *building work* is carried out.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Noise from Vehicles

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

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

103. Without limiting the generality of clause 102, vehicle sound equipment will be deemed to cause unreasonable noise or interference with the reasonable comfort of a person if it can be heard above the background noise level at a distance of 10 metres from the *vehicle*.
104. A person driving or in charge of a *vehicle*:
- 104.1 over three tonnes in weight (whether loaded or unloaded) must not allow the engine of the *vehicle* to remain in operation while it is stationary except in the period of 5 minutes:
    - 104.1.1 immediately after becoming stationary; and
    - 104.1.2 immediately before ceasing to be stationary; and

- 104.2 must not allow an engine in that *vehicle* to remain in operation while that *vehicle* is stationary between 7 p.m. and 7 a.m. on any *road* in or abutting a *Residential Zone*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

### Noise and Alarms

105. An owner or occupier of land must not:

- 105.1 install;
- 105.2 allow to be installed; or
- 105.3 cause to be retained and active

on the land any form of intruder alarm which emits a noise audible beyond the boundary of the land unless the alarm is so constructed or regulated as to ensure that:

- 105.4 whenever a detection device is activated, the alarm is automatically rendered inaudible beyond the boundary of the land within five (5) minutes of being activated; and
- 105.5 the alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

106. Notwithstanding clause 105, an intruder alarm may operate for a further period of five (5) minutes beyond the period described in clause 105.4 if the alarm is activated by a different detection device following the cessation of the alarm in accordance with clause 105.

### Blasting Controls

107. A person must not carry out any *blasting*:
- 107.1 unless it is in accordance with a *permit*, and
- 107.2 the person is licensed under any applicable legislation to do so.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

108. Every application for a *permit* under clause 107.2 must include:

- 108.1 the time the *blasting* will be carried out;
- 108.2 the place the *blasting* will occur at;
- 108.3 the purpose of the *blasting*;
- 108.4 the type of explosives and size of cartridges to be used;



- 108.5 the name and address of the person who will use and be responsible for using and firing the explosives;
- 108.6 the qualifications of each such person referred to in sub-clause 108.5 to use and fire such explosives;
- 108.7 the method of shot firing (if any) which is intended to be used;
- 108.8 an indemnity that indemnifies *Council* and *Council* staff for all loss, damage or injury to the person or to property which may be caused directly or indirectly by the *blasting* or the use of any explosive in connection with it;
- 108.9 a blast plan for *Council's* approval;
- 108.10 a copy of the notification which must be issued to all and any premises that may be affected by the *blasting*; and
- 108.11 any additional information required by *Council*.

**PART 5**

**ROADS AND COUNCIL LAND: OBSTRUCTIONS AND BEHAVIOUR**

**Introduction:** In this Part, the emphasis is on things which interfere with the use and enjoyment of *roads* and *Council land*.

**Animal Excrement**

109. A person:

109.1 must not allow excrement of an *animal* under his or her care or control to remain on a *road* or *Council land*; and

109.2 who is in charge or control of an *animal* on a *road* or *Council land* must have in his or her possession a bag or other receptacle for the purpose of removing from the *road* or *Council land* any excrement from that *animal* deposited on the *road* or *Council land*.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

**Control of Livestock**

110. The owner of *livestock* must not, without a *permit*, allow any *livestock* to graze or be driven on any *road*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units (For an offence committed between sunrise and sunset)/ 10 Penalty Units (For an offence committed between sunset and sunrise)**

111. Any *livestock* found grazing or travelling on any *road* without a person in control of the *livestock* may be impounded by an *authorised officer*.

112. The owner of *livestock* grazing or travelling on any *road* must immediately comply with any direction of an *authorised officer* to move the *livestock* off the *road*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units (For an offence committed between sunrise and sunset) / 10 Penalty Units (For an offence committed between sunset and sunrise)**

113. The owner of any property where *livestock* are agisted must:

113.1 have in their possession a written agreement with the owner of the *livestock* and be able to produce it to an *authorised officer* on request, which must contain full contact details of the owner or person in control of the *livestock*; and;

113.2 visibly display on all entrance gates to the premises an emergency contact number.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

114. An owner or occupier of any land on which any stallion, colt, bull, stag or other large sexually entire male animal is kept must ensure that it is:
- 114.1 kept in an escape proof area that is adequate to contain the type of animal being kept on the land;
  - 114.2 the area is not adjacent to or adjoining any property boundary;
  - 114.3 the fencing of the area is effectively maintained at all times to the satisfaction of an *authorised officer*, and.
  - 114.4 the area complies with any other applicable legislation in respect of the species concerned.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**Spitting and Fouling**

115. A person must not spit upon or otherwise foul any *road, Council land or public place*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

**Shopping Trolleys**

116. A person who removes a shopping trolley from land on which the shopping trolley was made available for use must return that shopping trolley to:
- 116.1 the land from which it was removed; or
  - 116.2 any other land *designated* or set aside for the return of such a shopping trolley.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

117. Subject to clause 118, a *retailer* must not make available for use or allow to be used a shopping trolley which:
- 117.1 does not have a fully functioning *coin deposit and release mechanism* attached to it; or
  - 117.2 is not secured to the *retailer's* premises by a perimeter constraint system approved by *Council*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

118. Clause 117 does not apply:
- 118.1 when a *retailer* makes available for use, or allows to be used, 25 shopping trolleys or less; or

- 118.2 to a *retailer* who has committed to a 12 month renewable management plan approved by *Council* for the effective control and recovery of shopping trolleys.
119. A *retailer* may apply in writing to a *Council* for an exemption from the application of clause 117.
120. *Council* may, in its absolute discretion, decide to exempt any *retailer* from the application of clause 117 in respect of all shopping trolleys or particular types of shopping trolley provided by that *retailer*, either temporarily or permanently.
121. A retailer:
- 121.1 must not obtain or attempt to obtain an exemption by wilfully making or causing to be made any false representation; or
- 121.2 breach any 12 month renewable management plan referred to in clause 118.2.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

122. An *authorised officer* or a person engaged by *Council* for this purpose may, on behalf of *Council*, seize and impound any shopping trolley which is being made available for use or is being used or has been left on a *road* or on *Council land* in contravention of this Local Law.
123. On the first business day of each month or as soon possible thereafter, a list of shopping trolleys that have been impounded by *Council* will be forwarded to each *retailer* stating:
- 123.1 the period within which the shopping trolley must be claimed;
- 123.2 that unclaimed shopping trolleys may be disposed of by *Council* after the period; and
- 123.3 that it is an offence for a *retailer* to not claim an impounded shopping trolley.
124. Any impounded shopping trolley may be claimed by the *retailer* who owns the shopping trolley after payment of a fee set by *Council*, which fee must not exceed an amount that reasonably represents the cost to *Council* of seizing, impounding, moving, keeping and releasing the shopping trolley (including any relevant overhead and other indirect costs).
125. Any impounded shopping trolley not claimed within the time specified in the list of impounded shopping trolleys referred to in clause 123 may be disposed of by *Council*.
126. A *retailer* must claim the impounded shopping trolley within the period stated by *Council* in the list of impounded shopping trolleys forwarded to that *retailer*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Obstructions on Roads

127. A person must not, without a *permit*:
- 127.1 leave or allow to be left any:
    - 127.1.1 bulk rubbish container on a road or Council land; or
    - 127.1.2 other thing on a *road* or *Council land* which encroaches on, or obstructs the free use of, the *road* or *Council land* or which reduces the breadth, or confines the limits, of the *road* or *Council land*; or
  - 127.2 leave or allow to be left on a road or Council land any clothing collection bin.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

128. Nothing in clause 127 applies to any member of *Council* staff acting in the course of his or her employment.
129. Council or an authorised officer may exempt any:
- 129.1 person; or
  - 129.2 class of persons;
- from the application of clause 127.
130. If a person reasonably suspected of having committed an offence under clause 127 is the driver of a *vehicle* which transports a *bulk rubbish container* or other thing and that person cannot be found or it is impracticable to charge that person with an offence under clause 127, any person who is concerned in or takes part in the management of the business which supplies the *bulk rubbish container* or other thing which is left on and obstructs the free use of a *road* may be charged with and is capable of committing an offence under clause 127.

## Spoil on Roads

131. A person must not:
- 131.1 drive; or
  - 131.2 allow or cause to be driven
- a *vehicle* on a *road* if the *vehicle* is being or has been used directly or indirectly in:
- 131.3 the filling or excavation of any land;
  - 131.4 building work; or
  - 131.5 agricultural or horticultural activities
- unless the exterior of the *vehicle* is free from soil, earth and clay.

**Maximum Penalty: 20 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

132. If a person reasonably suspected of having committed an offence under clause 131 is the driver of the *vehicle*, and that person cannot be found or it is impracticable to charge that person with an offence under clause 131, any person who is concerned in or takes part in the management of *building work*, excavation work or other work on the land at which the *vehicle* is likely to have been soiled may be charged with and is capable of committing an offence under clause 131.

**Occupation of Roads for Works**

133. A person must not, without a *permit*:
- 133.1 occupy or fence off;
  - 133.2 erect a hoarding or scaffolding on;
  - 133.3 use a mobile crane or travel tower for any work on;
  - 133.4 make a hole or excavation in;
  - 133.5 fill a hole or excavation in; or
  - 133.6 remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on
- any *road* or part of a *road*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

134. Clause 133 does not apply to the works or activities of a *Service Authority* if the *Service Authority* notifies *Council* in writing that it has made, proposes to make or authorised the making of a hole or excavation in a *road*.

**Repair and Display for Sale of Vehicles**

135. A person must not:
- 135.1 paint a vehicle on a road or Council land;
  - 135.2 service a vehicle on a road or Council land;
  - 135.3 carry out maintenance on a *vehicle* on a *road* or *Council land*;
  - 135.4 repair or dismantle a *vehicle* on a *road* or *Council land* except in an emergency breakdown to enable it to be removed; or
  - 135.5 display for sale a *vehicle* on a *road* or *Council land*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Storage of Vehicles

136. A person must not, without a *permit*, store on any *Council land* a:
- 136.1 boat;
  - 136.2 trailer; or
  - 136.3 *vehicle*, whether registered or not.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

## Road Restrictions

137. If *Council* considers that:
- 137.1 a *road* is likely to be damaged by a particular class of *vehicle*; or
  - 137.2 the amenity of an area is likely to be adversely affected by a particular class of *vehicle* travelling on a *road* in that area
- Council* may resolve to prohibit or regulate the use of the *road* in an area *designated* by *Council*.
138. *Council* must ensure that signs indicating the restriction or prohibition appear at the entry to and along any *road* referred to in clause 137.

## Obedience to Road Restriction Signs

139. A person must not use a *road* contrary to any sign notifying a restriction or prohibition imposed in respect of that *road* or part of the *road*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

140. Clause 139 does not apply to:
- 140.1 a person who has obtained a *permit*;
  - 140.2 a *vehicle* owned or used on behalf of *Council*;
  - 140.3 a *vehicle* of an emergency service, a *public body* or *Service Authority* acting in a service capacity.

## Consumption and Possession of Alcohol

141. A person must not, without a *permit*:
- 141.1 consume any *alcohol*; or
  - 141.2 have in his or her possession any unsealed container of *alcohol*
- on a *road*, in a *public place* or in any *motor vehicle* which is on a *road* or in a *public place*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

142. Nothing in clause 141 applies to any person who:
- 142.1 is in or on premises that are licensed under the *Liquor Control Reform Act 1998*; or
  - 142.2 is the subject of a written exemption granted by *Council* in connection with a function or event.

**Wheeled Toys**

143. A person must not:
- 143.1 use; or
  - 143.2 allow a person under his or her care, custody or control to use
- a *wheeled toy* on any *Council land* or part of *Council land* which *Council designates* to be a prohibited place for the purpose of this clause.

**Maximum Penalty: 1 Penalty Unit**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

**Publication of Prohibited Places**

144. *Council* must ensure that a description of any prohibited place *designated* under clause 143 appears on its website.



**PART 6**

**ROADS AND COUNCIL LAND: PARKING**

**Introduction:** This Part regulates the parking of *vehicles* on some *roads* and *Council land*. It is intended to be read in a manner which is consistent with the *Road Safety Road Rules* 2009.

**Parking of Vehicles**

145. The owner of a *motor vehicle* must not leave that *motor vehicle* standing in a *parking area* located on *Council land*:
- 145.1 except in the manner indicated by the inscription on any sign associated with the parking area;
  - 145.2 contrary to any limitation in respect of days, periods of a day, classes of persons or classes of *motor vehicles* indicated by the inscription on any sign associated with the parking area; or
  - 145.3 for any multiple of any limitation in respect of days or periods of a day indicated by the inscription on any sign associated with the parking area.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**PART 7****COMMERICAL ACTIVITIES, STREET COLLECTIONS AND DISTRIBUTIONS AND STREET PARTIES**

**Introduction:** This Part is concerned with commercial activities on *Council land* and *roads*. It establishes a permit system to regulate these commercial activities.

**Commercial Activities on Roads and Council Land**

146. A person must not, without a *permit*:
- 146.1 display, *sell* or allow to be displayed or sold any goods or services on, or within, a *road* or *Council land*; or
  - 146.2 otherwise use a road or Council land for commercial purposes.
147. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*:
- 147.1 place or allow to be placed a movable *advertising sign* on a *road* or *Council land*; or
  - 147.2 place or allow to be placed any table, chair, barrier or other street trading item on a *road* or *Council land*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

148. In deciding whether to grant a permit under clause 146 or 147, *Council* may have regard to:
- 148.1 the effect on pedestrian traffic flows and safety;
  - 148.2 the impact on the appearance of the *road* or *Council land* and its surroundings;
  - 148.3 the impact on residential amenity;
  - 148.4 the duration of the use;
  - 148.5 the effect on vehicular traffic flows and safety;
  - 148.6 compatibility with other uses in the *road* or *Council land*;
  - 148.7 whether it is complementary to the primary adjoining use;
  - 148.8 whether it is less intensive than the primary adjoining use;
  - 148.9 the applicant's previous record of compliance;
  - 148.10 any relevant policies of *Council*; and

148.11 any other matter relevant to the application.

149. A person who has placed, permitted to be placed, displayed or permitted to be displayed goods, a moveable *advertising sign* or a table, chair, barrier or other item of street trading on a *road* or *Council land*, whether with or without a *permit* issued under clause 146 or 147, must move or remove them or it if directed to do so by:

149.1 an authorised officer; or

149.2 a member of staff of a *Service Authority*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 5 Penalty Units**

150. Unless permitted to do so under a Planning Scheme applicable to the land, a person must not, without a *permit*:

150.1 erect or use on any land a temporary structure or building for the sale of goods; or

150.2 *sell* goods from a tent or a temporary structure or building erected in contravention of clause 150.1.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

### Street Collection

151. A person must not, without a *permit*, solicit to collect, on a *road* or *Council land* any gifts or subscriptions for any purpose or cause nor authorise another person to do so.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

### Unsolicited Material

152. A person must not, without a *permit*, distribute any handbills, place cards, notices, advertisements, books, pamphlets, goods, gifts or samples to any person on any *road* or *Council land*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

### Busking

153. A person must not, without a *permit*, *busk* in any *public place* with the object, or apparent object, of collecting money.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

**Exemptions**

154. Council or an authorised officer may exempt any:
- 154.1 person; or
  - 154.2 class of persons
- from the application of clause 146, 150, 151, 152 or 153.

**Street Parties**

155. A person must not, without *Council's* written approval, host or hold a *street party*.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**PART 8**

**KEEPING OF ANIMALS**

**Introduction:** In this Part, the provisions regulate the keeping of *animals*. They regulate the number and type of *animals* which can be kept, and the conditions in which they are kept.

**Application of this Part**

156. This Part does not apply to any land:
- 156.1 on which a pet shop is located; or
  - 156.2 on which an animal hospital or veterinary practice is located
- if the use of the land for this purpose is permitted under a Planning Scheme applicable to the land.

**Keeping of Animals Generally**

157. A person must not, without a *permit*, keep or allow to be kept in any flat, unit or townhouse:
- 157.1 more than one dog or cat;
  - 157.2 any bird unless it is a budgerigar, finch or canary; or
  - 157.3 any fish other than cold water or tropical fish.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

158. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*, keep or allow to be kept on land any:
- 158.1 rooster, fowl, guinea fowl, turkey, goose or duck;
  - 158.2 horse, cattle, sheep, goat, pig or other agricultural *animal*;
  - 158.3 large parrot (including but not limited to a cockatoo, corella or galah) or peacock; or
  - 158.4 more of each species or group of *animals* than is stated in the following table:

Type of <i>Animal</i>	Maximum Allowed
Dogs	2 except in a <i>Rural Zone</i> in which case the maximum allowed is 4
Cats	4 in a <i>Rural Zone</i> but otherwise 2 (although if there is not more than one dog on the land

the maximum number of cats allowed is 3)

Poultry	6
Pigeons	10
Domestic Rabbits, Guinea Pigs or Ferrets	4 in total
Domestic Birds (other than a cockatoo, corella, galah or peacock)	10

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

159. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*:
- 159.1 exercise a pigeon other than during 2 hours after sunrise or 2 hours before sunset; or
  - 159.2 race any pigeon other than at an organised racing event.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

160. *Council* or an *authorised officer* may from time to time exempt any:
- 160.1 person; or
  - 160.2 class of persons
- from the application of any clause in this Part.

**Animal Buildings and Cleanliness**

161. A person keeping an *animal* on land in a *Residential Zone* must ensure that the building or other structure in which the *animal* is housed:
- 161.1 is at least 1.25 metres from the boundary of any adjoining premises unless the building or other structure has solid walls on the sides facing adjoining premises; and
  - 161.2 is not located between the dwelling on the land and the *road* to which the land has frontage; and
  - 161.3 does not exceed 2.5 metres in height.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

162. A person keeping an *animal* on land must ensure that the part of the land in which that *animal* is kept or which is used by the *animal* is maintained:
- 162.1 in a clean, inoffensive and sanitary condition;

- 162.2 so as not to cause a nuisance to any person or to be offensive; and
- 162.3 so as not to be injurious to health or dangerous.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

163. A person must not keep on any land;
- 163.1 any *poultry* other than in a poultry house confined to the rear yard of the land; or
- 163.2 any pigeon other than in a pigeon loft in a structure confined to the rear yard of the land; or
- 163.3 any rabbits, guinea pigs or ferrets other than in a suitable hutch which must be escape proof and which is located in the rear yard of the land.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**NOTE**

Codes of Practice made under the *Prevention of Cruelty to Animals Act 1986* and *Domestic Animals Act 1994* may apply in addition to the provisions of this Local Law.

**Noise and Smell from Animals**

164. An occupier of any land on which any *animal* is kept must not allow any noise or smell to emanate from the *animal* which interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

**Feeding of Animals**

165. A person must not feed an *animal* which he or she does not own unless the owner of the *animal* has consented to the animal being so fed.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

**Requirements applying to dogs**

166. A person keeping a dog (other than a dangerous dog guarding non residential premises) on land must ensure that the dog does not behave in an offensive or threatening manner by physically striking, biting, chewing or jumping at any person or other *animal* beyond the boundary fence of the land on which it is kept.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

167. If, in the opinion of an *authorised officer*, there is a breach of clause 166 the *authorised officer* may, as an alternative to prosecution, require an owner of the dog to comply with an individual Animal Management Plan.
168. The owner of a dog that has been declared menacing under the *Domestic Animals Act* 1994 must display a warning sign as prescribed by *Council* at all entrances to the premises where the dog is kept, warning people that a menacing dog is kept on the premises.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**



## PART 9

## RESOURCE RECOVERY

**Introduction:** This Part is concerned with the collection and disposal of waste. Among other things, it regulates the collection and disposal of *domestic waste*, *green waste*, *recyclables*, paper and cardboard and hard rubbish.

**Resource Collection**

169. The occupier of any land to which *Council* provides a

169.1 *domestic waste* collection service must:

169.1.1 without delay deposit all *domestic waste* generated on the land which is to be collected by *Council* into an *approved garbage receptacle* designated for the deposit of *domestic waste*, although nothing in this clause will preclude an occupier from using some other object for the deposit of *domestic waste* prior to the transfer of the *domestic waste* to the *approved garbage receptacle* or from composting any organic waste in a fly and vermin-proof compost container;

169.1.2 not place out for collection by *Council* any *domestic waste* other than in an *approved garbage receptacle* designated for the deposit of *domestic waste*;

169.1.3 not place out for collection any *approved garbage receptacle*, except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on *Council's* website; and

169.1.4 not remove an *approved garbage receptacle* from any land except when it is placed out for collection.

169.2 *green waste* collection service must:

169.2.1 without delay deposit all *green waste* generated on the land which is to be collected by *Council* into an *approved green waste receptacle* designated for the deposit of *green waste*, although nothing in this clause will preclude an occupier from using an object for the deposit of *green waste* prior to the transfer of the *green waste* to the *approved green waste receptacle*;

169.2.2 not place out for collection by *Council* any *green waste* other than in an *approved green waste receptacle* designated for the deposit of *green waste*;

169.2.3 not place out for collection any *approved green waste receptacle* except in accordance with any requirements

prescribed by or determined in accordance with this Local Law and published on *Council's* website; and

- 169.2.4 not remove any approved green waste receptacle from any land, except when it is placed out for collection.
- 169.3 recycling collection service must
  - 169.3.1 without delay deposit all *recyclables* used on the land which are to be collected by *Council* into a *recycling receptacle*, although nothing in this clause will preclude an occupier from using an object for the deposit of *recyclables* prior to the transfer of the *recyclables* to the *recycling receptacle*;
  - 169.3.2 not place out for collection by *Council* any *recyclables* other than in a *recycling receptacle*;
  - 169.3.3 not place out for collection any *recycling receptacle* except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on *Council's* website; and
  - 169.3.4 not remove any *recycling receptacle* from any land, except when it is placed out for collection; and
- 169.4 commercial paper and cardboard collection service must
  - 169.4.1 without delay deposit all paper and cardboard used on the land which are to be collected by or on behalf of *Council* into the container provided by or on behalf of *Council* for that purpose, although nothing in this clause will preclude an occupier from using an object for the deposit of paper and cardboard prior to the transfer of the paper and cardboard to the provided by *Council* for that purpose;
  - 169.4.2 not place out for collection by or on behalf of *Council* any paper or cardboard other than in the container provided by *Council* for that purpose;
  - 169.4.3 not place out for collection any paper or cardboard, except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on *Council's* website; and
  - 169.4.4 not remove a container provided by or on behalf of *Council* for the purpose of the paper and cardboard collection service from any land, except when it is placed out for collection.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

- 170. The occupier of any land must not, without the consent of *Council* or an *authorised officer*, place out for collection more than one (1) *receptacle* of each type.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

171. Any *receptacle* placed out for collection by the occupier of any land must:

171.1 be placed:

171.1.1 on the nature strip in front of the land within one (1) metre of the kerb; or

171.1.2 in the absence of a nature strip, on the footpath in front of the land within one (1) metre of the kerb

unless *Council* or an *authorised officer* directs that the *receptacle* be placed in another position;

171.2 be placed so that there is a minimum:

171.2.1 vertical distance of three (3) metres above the lid of the *receptacle*; and

171.2.2 horizontal distance of 500 millimetres from the sides of the *receptacle*

clear of any structure, tree, shrub or any *vehicle* owned or used by a person resident or employed on the land to which the *receptacle* was supplied by *Council*; and

171.3 be placed with the side of the *receptacle* on which hinges securing the lid are located positioned facing the land.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

172. A person must not place an approved garbage receptacle, approved green waste receptacle or recycling receptacle out for collection which has a gross weight of more than 72 kilograms.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

173. A person must not place any domestic waste, green waste or recyclables in an approved garbage receptacle, approved green waste receptacle or recycling receptacle (as the case may be) that would prevent the lid of the relevant receptacle being closed.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

174. A person must not place out for collection any *receptacle* so as to cause a hazard to any person or a *vehicle*.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 1 Penalty Unit**

175. The occupier of any land must keep any *receptacle* in a clean, inoffensive and sanitary condition.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

176. The occupier of any land must ensure that any area where a *receptacle* is placed between collections is kept in a clean, inoffensive and sanitary condition.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

177. The occupier of land must ensure that an *approved garbage receptacle*, an *approved green waste receptacle* and a *recycling receptacle* is covered by their lids at all times, except when *domestic waste*, *green waste* or *recyclables* (as the case may be) is or are being deposited in or removed from the *approved garbage receptacle*, *approved green waste receptacle* or *recycling receptacle* or such *approved garbage receptacle*, *approved green waste receptacle* or *recycling receptacle* is being cleaned or repaired.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

178. The occupier of any land must not:

178.1 use; or

178.2 allow to be used

a receptacle for any purpose other than the deposit of relevant waste in accordance with this Local Law.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

179. If, in the opinion of *Council* or an *authorised officer*, any loss of, or damage to, a *receptacle* is due to the neglect or deliberate act of any person, that person must pay:

179.1 a fee determined by *Council* from time to time for the replacement of the *receptacle*; or

179.2 such part of the fee set under clause 179.1 as *Council* or an *authorised officer* considers appropriate.

180. Once waste has been collected by or on behalf of *Council*, the occupier of any land must:

180.1 return any *receptacle* to the land to which it was supplied by *Council* on the same day on which it was emptied; and

180.2 remove any waste from a *road* or any *Council land* which has spilled from the *receptacle* supplied to the land which he or she occupies except waste that has apparently been spilled during the process of collection.

**Maximum Penalty: 2 Penalty Units**

**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

## Interference with Waste

181. A person must not, without the consent of the relevant occupier, deposit waste or other matter in any *receptacle* supplied to any land on which he or she does not reside.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

182. *Council* or an *authorised officer* may, by notice in writing, direct the owner or occupier of any land to install, repair, replace or modify a fence or other means of screening a *receptacle* or *trade waste hopper* from public view if it, he or she is of the opinion that the *receptacle* or *trade waste hopper* is unsightly, dangerous or detrimental to the general amenity of the neighbourhood in which it is located.
183. An owner or occupier of land to whom a direction is given under clause 182 must comply with that direction.

**Maximum Penalty: 5 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## Suspension of Waste Collection Service

184. If, in the opinion of *Council*, any occupier of land:
- 184.1 has persistently contravened; or
  - 184.2 is persistently contravening
- any provision in this Part, it may suspend the provision of any waste collection service to the land.
185. If *Council* suspends the provision of any waste collection service to land the suspension may be:
- 185.1 indefinite; or
  - 185.2 for such a period as *Council* specifies by a notice given to the occupier of land
- and, in either case, on such terms as are specified by Council in any notice given to the occupier of the land.

## Street and Other Litter

186. A person must not deposit into any street litter bin any *green waste* or trade or commercial waste.

**Maximum Penalty: 2 Penalty Units**  
**Fixed Infringement Notice Penalty: 0.5 Penalty Unit**

## Transportation of Waste

187. A person must not convey or cause to be conveyed in a *vehicle* on a *road* any manure, dead animal or remains of a dead *animal*, including offal, bones, hides or skins or refuse, rubbish or other waste matter, unless the *vehicle* is:

- 187.1 constructed;
- 187.2 fitted;
- 187.3 loaded; and
- 187.4 covered

so that no leakage occurs and no materials are dropped or deposited on any *road* or adjacent area from the *vehicle* and the possibility of escape of offensive odours is reduced.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

### Storage of Trade Waste

188. The owner or occupier of any land must ensure that any *trade waste hopper* kept on the land is constructed and maintained in accordance with any requirements detailed by an *authorised officer*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

### Trade Waste Bins and Hoppers

189. The owner or occupier of any land must ensure that any *trade waste hopper* or other waste bin kept on the land is:
- 189.1 constructed of approved impervious material;
  - 189.2 equipped with a removable drainage plug;
  - 189.3 fly and vermin proof;
  - 189.4 maintained in a clean, inoffensive and sanitary condition;
  - 189.5 able to be connected to a reticulated water supply;
  - 189.6 kept in a place which is fenced or screened;
  - 189.7 emptied regularly; and
  - 189.8 equipped with a functioning lid which must be fully closed at all times other than when items are being placed within or emptied from the receptacle.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

190. A person must not, without a *permit*, keep a *trade waste hopper* or other waste bin in a *public place*.

**Maximum Penalty: 3 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

191. The owner or occupier of any land must not deposit any rubbish into any *trade waste hopper* or other waste bin not provided specifically for that use.

**Maximum Penalty: 3 Penalty Units**  
**Fixed Infringement Notice Penalty: 1 Penalty Unit**

#### **Certain Waste Only to be Collected During Certain Hours**

192. A person must not collect industrial, commercial or trade waste other than between the following hours:

192.1 7am to 8pm Monday to Saturday; and

192.2 9am to 8pm Sunday and *public holidays*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

#### **Exemptions**

193. Council may exempt any:

193.1 person; or

193.2 class of persons; or

from the application of any provisions of clause 188, 189, 190, 191 or 192.

#### **Waste Management Plans**

194. If directed by *Council* or an *authorised officer* to prepare and, following approval, to comply with a Waste Management Plan, an owner or occupier of land used primarily for commercial purposes must:

194.1 prepare a Waste Management Plan and submit it to *Council* for approval; and

194.2 not cause or allow any waste to be collected from the land other than in accordance with a Waste Management Plan approved by *Council*.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

## PART 10

### ADMINISTRATION AND ENFORCEMENT

**Introduction:** This Part aims to supplement the preceding provisions of the Local Law by explaining how the Local Law may be administered and enforced. In particular, powers to impound and serve *Notices to Comply* and Infringement Notices are given, and the system of applying for, obtaining and retaining permits is provided for.

#### Impounding

195. An *authorised officer* may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
196. Where any thing has been impounded under this Local Law, *Council* or an *authorised officer* must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing.
197. An impounded thing must be released to:
- 197.1 its owner; or
  - 197.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an *authorised officer* of his or her authority from the owner
- on:
- 197.3 evidence to the satisfaction of the *authorised officer* being provided of the owner's right to the thing; and
  - 197.4 payment of any fee determined by *Council* or an *authorised officer* from time to time.
198. Clause 197 does not apply to the impounding of *alcohol* or any shopping trolley under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.
199. If an impounded thing has not been released to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served or, if no notice of impounding has been served, of the act of impounding, *Council* may, at its discretion:
- 199.1 sell;
  - 199.2 give away; or
  - 199.3 destroy
- the impounded thing.



## Notices to Comply

200. Council or an authorised officer may, by serving a *Notice to Comply*, direct any owner, occupier or other relevant person to remedy any thing which constitutes a breach of this Local Law.
201. A *Notice to Comply* served in accordance with this Local Law must state the date by which the thing must be remedied.
202. The time required by a *Notice to Comply* served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- 202.1 the amount of work involved;
  - 202.2 the degree of difficulty;
  - 202.3 the availability of necessary materials or other necessary items;
  - 202.4 climatic conditions;
  - 202.5 the degree of risk or potential risk; and
  - 202.6 any other relevant matter.
203. Any person who fails to remedy a thing in accordance with a *Notice to Comply* within the time specified is guilty of an offence under this Local Law.

**Maximum Penalty: 10 Penalty Units**  
**Fixed Infringement Notice Penalty: 2 Penalty Units**

204. Nothing in this Local Law:
- 204.1 obliges Council or an authorised officer to serve a *Notice to Comply*; or
  - 204.2 precludes *Council* or an *authorised officer* from both serving a *Notice to Comply* and also serving an *Infringement Notice* or prosecuting for an offence.

## Permits

205. *Council* or an *authorised officer* in its, his or her absolute discretion may issue a *permit* under this Local Law with or without conditions, including the payment of any fee *Council* may require, or may refuse to issue the same.
206. *Council* or an *authorised officer* may from time to time prescribe:
- 206.1 the manner and form in which applications for *permits* under this Local Law should be made; and
  - 206.2 the manner in which any *permit* under this Local Law should be issued.
207. *Council* or an *authorised officer* may waive payment of any fee for a *permit*.
208. *Council* may make appropriate delegations of *permit*-issuing powers.

209. *Council* must keep a register of *permits*.
210. *Council* or an *authorised officer* may require an applicant for a *permit* to give notice of the application in a manner specified from time to time by *Council* or an *authorised officer*.
211. *Council* or an *authorised officer* may require an applicant for a *permit* to provide *Council* with more information before *Council* or the *authorised officer* deals with the *permit* application.
212. A *permit* expires on the date specified in the permit or if no such date is specified the *permit* will expire one(1) year after the date of issue.
213. Where *Council* or an *authorised officer* is of the opinion that there is or has been a breach of any conditions of a *permit*, it, he or she may serve a *Notice to Comply* on the permit holder.

## Considering Applications

214. In considering an application for a *permit*, *Council* or an *authorised officer* may consider any:
- 214.1 policy or guideline adopted by *Council* relating to the subject matter of the application for the *permit*;
  - 214.2 submission that may be received in respect of the application;
  - 214.3 comments that may be made in respect of the application by any public body, community organisation or other person; and
  - 214.4 other relevant matter.

## Correction of Permits

215. *Council* or an *authorised officer* may correct a *permit* issued if the *permit* contains:
- 215.1 a clerical mistake or an error arising from any accident, slip or omission; or
  - 215.2 an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the *permit*.
216. *Council* or the *authorised officer* must note the correction in the register of *permits*.

## Grounds for Cancellation of or Amendment of Permits

217. *Council* or an *authorised officer* may cancel or amend any *permit* if it, he or she considered that there has been:
- 217.1 a material mis-statement or concealment of fact(s) in relation to the application for a *permit*;
  - 217.2 any material mistake in relation to the issue of a *permit*;
  - 217.3 any material change of circumstances which has occurred since the issue of the *permit*;

- 217.4 a failure to comply with the conditions under which the *permit* was issued; or
- 217.5 a failure to comply with a *Notice to Comply* within the time specified in the *Notice to Comply*.
218. *Council* or the *authorised officer* must notify the holder of a *permit* of *Council's* or the *authorised officer's* intention to amend or cancel the *permit* and give the holder of that *permit* an opportunity to make a written submission before the *permit* is amended or cancelled.
219. If *Council* or the *authorised officer*, after considering any written submission made by the permit holder, determines to cancel or amend the *permit*, *Council* or the *authorised officer* must note that cancellation or amendment in the register of *permits*.

## Urgent Circumstances

220. If an *authorised officer* is of the opinion that:
- 220.1 a person has breached any provision of this Local Law in respect of which a *Notice to Comply* may be issued and:
- 1.1.1 any person;
- 1.1.2 any animal;
- 1.1.3 any property; or
- 1.1.4 the environment of the *municipal district*
- is in danger of substantial detriment due to the breach; and
- 220.2 that the danger may be exacerbated by the length of time it may take to serve and ensure compliance with a *Notice to Comply*
- he or she may take such action as he or she considers necessary to abate or minimise the danger without serving a *Notice to Comply* if notice is given, if practicable, of:
- 220.3 the reasons for taking the action; and
- 220.4 the action taken
- to the person in breach of the provision of this Local Law in respect of which the action was taken.

## Offences

221. A person who:
- 221.1 contravenes or fails to comply with any provision under this Local Law;
- 221.2 contravenes or fails to comply with any condition contained in a *permit* issued under this Local Law; or

221.3 contravenes or fails to comply with a *Notice to Comply* by the date specified in the *Notice to Comply*

is guilty of an offence and is liable to:

221.4 the penalty stated under a provision or, if no penalty is stated, two (2) penalty units;

221.5 a further penalty of one (1) penalty unit for each date during which the contravention continues; and

221.6 upon conviction for or upon being found guilty of a second or subsequent offence, double the penalty stated under a provision of penalty units or 20 penalty units, whichever is the lesser.

**Infringement Notices**

222. Where an *authorised officer* has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the *authorised officer* may, as an alternative to prosecution for an offence, serve on that person an Infringement Notice.

223. The penalty fixed for an Infringement Notice is the Fixed Infringement Notice Penalty stated under the provision to which the Infringement Notice is expressed to relate or, if there is no Fixed Infringement Notice Penalty stated, one penalty unit.

224. Any person served with an Infringement Notice may pay the penalty indicated to *Council*.

This Local Law was made by resolution of *Council* at a meeting held on ...../...../2015.

The **COMMON SEAL** of **WYNDHAM CITY COUNCIL** was affixed by authority of the Council on the ..... day of ..... 20....in the presence of:

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER