

# Wyndham City Council

## Community Amenity Local Law 2023

May 2023



Wyndham recognises the Bunurong people on the east side of the Werribee Yalook (river) and the Wadawurrung people on the west side of the Werribee Yalook as the Traditional Owners of the lands on which Wyndham City operates.

## Contents

<b>PART 1: PRELIMINARY .....</b>	<b>4</b>
Incorporation of Documents.....	4
Definitions.....	5
<b>PART 2: YOUR PROPERTY .....</b>	<b>8</b>
Property numbers.....	8
Unightly or Dangerous Land.....	8
Vacant Land.....	9
Nature Strips.....	9
Environmental Weeds.....	9
Shipping Containers.....	9
Camping and Caravans on Private Property.....	10
Vehicle Crossovers.....	10
Fencing.....	10
Open air burning.....	10
Household Bins.....	11
Noise and Alarms.....	12
Vehicle Repair & Heavy Vehicles.....	12
Garage Sales.....	12
<b>Part 3: YOUR PETS AND ANIMALS.....</b>	<b>13</b>
Animal Permits.....	13
Keeping of animals generally.....	14
Behaviour of Dogs.....	14
Livestock.....	15
<b>Part 4: CONSTRUCTION AND BUILDING SITES.....</b>	<b>15</b>
Building Sites Generally.....	15
Building Site Waste and Sanitation.....	15
Access, Fencing, and Identification of Building Sites.....	17
Asset Protection on building sites.....	17
Management of Subdivisions.....	17
Works on Roads or Council Land.....	18
Blasting Controls.....	18
<b>Part 5: BUSINESSES AND TRADE .....</b>	<b>18</b>
Commercial Activities on Roads & Council Land.....	18
Outdoor Eating.....	18
Advertising.....	19
Shopping Trolleys.....	19

Amenity Protection Plans .....	19
Short-Stay Accommodation .....	20
Charity Collection and Soliciting .....	20
Donation Bins.....	20
Commercial & Trade Waste .....	20
Busking.....	21
Water and Irrigation .....	21
<b>Part 6: COUNCIL LAND, ASSETS, AND ROADS .....</b>	<b>21</b>
Behaviour on Council Land and Public Places.....	21
Damage to Council Assets.....	22
Alcohol .....	22
Motor Bikes and Recreational Vehicles .....	22
Council Reserves and Parks.....	22
Drains .....	23
Smoke-Free Areas .....	23
Council Facilities.....	23
Camping on Roads or Council Land.....	24
Hoon Events .....	24
Vehicles .....	24
Obstructions.....	24
Mud and Spoil on Roads .....	25
<b>Part 7: ADMINISTRATION AND ENFORCEMENT .....</b>	<b>25</b>
Permits.....	25
Impoundments.....	26
Notice to Comply .....	26
Urgent Circumstances.....	27
Offences .....	27
Infringements.....	27
Exemptions .....	28
<b>Schedule 1: Infringement Penalty Units .....</b>	<b>29</b>

## PART 1: PRELIMINARY

### Title

1. This Local Law is called the "Community Amenity Local Law (2023)".

### What is the Purpose of this Local Law?

2. The purpose of this Local Law is to:
  - 2.1 provide for the peace, order and good government of Wyndham City, in a way that is complementary to the Council Plan;
  - 2.2 Protect and promote community safety, public health, and amenity;
  - 2.3 Protect the environment and *Council* assets within the municipality;and to achieve this purpose by:
  - 2.4 Promoting awareness and encouraging voluntary compliance to the standards and conditions set out in the Local Law.
  - 2.5 regulating and controlling activities that may be dangerous or detrimental to amenity or environment within Wyndham City through education and enforcement; and

### What authorises this Local Law?

3. This Local Law is made under section 71 of the *Act* and section 42 of the *Domestic Animals Act 1994*.

### Commencement, revocation, and area of operation

4. This Local Law:
  - 4.1 commences on 22 May 2023; and
  - 4.2 ceases to operate on 22 May 2033; and
  - 4.3 applies throughout the whole *municipal district*

### What does this Local Law replace?

5. *Council's* Community Amenity Local Law (2015) is revoked.

### Incorporation of Documents

6. The document titled "Nature Strip Beautification Guidelines", as made and amended by *Council* from time to time and published on Council's website, is hereby incorporated into this Local Law.

## Definitions

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

*Act* means the *Local Government Act 2020*

*Advertising sign* means any placard, sign, real estate signage/pointer board, notice, poster, mobile billboards, animated or electronic sign, banner or projected image or other similar device, whether portable or affixed or attached to any bicycle or vehicle, which is used for the purposes of:

- Soliciting sales;
  - Advertising goods, services, or an event;
  - Providing information about a business or industry;
  - Advertising and seeking support for a candidate in an upcoming political election;
- But does not include an *advertising sign* which requires and has been granted a permit under the Planning scheme.

*Amenity Protection Plan* means a plan that provides controls around noise, traffic, waste, or other issues to protect the amenity of surrounding residents and properties.

*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.

*Authorised Officer* means a person appointed by Council to be an Authorised Officer under section 224 or 224a of the Local Government Act 1989

*Blasting operations* means the firing of explosive materials for the purpose of demolishing or breaking apart rock or other materials, but does not apply to any mine, quarry, clay pit, gravel pit, sand pit or extractive industry.

*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*.

*Builders waste* means any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality, includes any glass, metal, plastic paper, fabric, wood, polystyrene, 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, filling, landscaping, concreting, and subdivision road construction but excludes *minor building work*.

*Built-up area* means an area that has buildings no more than 100 metres apart, or street lights no more than 100 metres apart, present for a distance of 500 metres or if the road is less than 500 metres long, for the whole street.

*bulk rubbish container* means a bin, skip or other container used for the deposit of waste, including containers on a trailer or wheels, but excludes household bins

*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*

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

*Commercial Purposes* means any use primarily intended for or directed towards commercial advantage or financial gain, and includes the conduct of a fete, festival or like event.

*Construction Period* means the period during which *building work* is being carried out.

*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.

*Council* means Wyndham City Council.

*Designate* means determine and then publish, and keep published, on *Council's* website details of that determination.

*Dilapidated* means in a state of ruin or disrepair due to neglect, and may include broken windows or doors, damaged roof or wall, or any other damage or disrepair to a *dwelling*

*Donation Bin* means any bin dedicated to the collection of used clothing, small household items, or other unwanted items.

*Donation Bin operator* means a person or company who owns, provides, or places donation bins on any land.

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

*e-cigarette* has the same meaning as in the *Tobacco Act 1987*.

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

*heavy or long vehicle* means a vehicle which has a gross vehicle mass of 4.5tonne or above, or a vehicle which is longer than 7.5 metres.

*Hoon event* means one or more vehicles being driven in a manner involving either, the loss of traction, racing, time trials, or by which undue noise or smoke is caused;

*Household bin* means a bin provided by or otherwise approved by *Council* for the collection of residual municipal waste, recycling services, resource recovery or food organics and garden organics

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

*Minor building work* means *building work* valued at less than \$6,000 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 within the entire municipal district of *Council*.

*Municipal waste* has the same meaning as in the *Environment Protection Act 2017*

*Municipal waste, recycling, or green waste collection service* means a service provided by or on behalf of *Council* that collects, manages, transports, and disposes of, or processes:

- essential *municipal waste*; or
- recycling material or resource recovery; or
- food organics; or
- garden organics material

*Nature strip* means land vested in Council located between a private property boundary of land and the kerb, but excludes a footpath and vehicle crossover where one exists.

*Permit* means a permit issued under this Local Law

*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 the Act.

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

*Public place* has the meaning ascribed to it by the Summary Offences Act 1966.

*Recreational vehicle* means any electric bike, scooter, or other electric personal conveyance that is used for recreational purposes and is capable of travelling faster than 10km/h, and 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.

*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 property* means land that is capable of being used solely or primarily for residential purposes and may lawfully be used in that way;

*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 Local Government Act 1989.

*Road-related area* has the same meaning as in the *Road Safety Road Rules 2017*.

*Rubbish* means paper, cardboard, plastic bags, polystyrene, household rubbish, food waste, second-hand containers, broken or unwanted furniture or items, or any other waste material

*Rural Zone* means a zone *designated* by *Council* as a Rural Zone under the Wyndham Planning Scheme.

*Short-stay accommodation* means accommodation for no more than 30 days in a *dwelling* on terms that oblige the occupant to pay a fee or tariff.

*Smoke* means to smoke, hold, or otherwise have control over an ignited *tobacco product*, or to use an *e-cigarette* to generate or release an aerosol or vapour.

*Smoke Free Area* means an area *designated* to be a Smoke Free Area by *Council* under section 122.

*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*.

*Tethered* means to tie a dog to an object by means of a lead, chain, rope, or the like.

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

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

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

*Vehicle* has the same meaning as 'motor vehicle' in the Road Safety Act 1986 but does not include a bicycle, motorised scooter or tram.

*Vehicle Crossover* means a facility, between the face of kerb and the private property boundary, used to provide vehicular access between the street and private property .

*Waste facility* means a receptacle capable of retaining all *builder's waste* within a *building site* and preventing removal of the *builder's waste* by unauthorised persons or by wind or rain.

## **PART 2: YOUR PROPERTY**

### **Property numbers**

8. If *Council* has allocated a street number to a property, the owner or occupier of the property must ensure that the allocated street number is clearly displayed and visible from the *road*.

### **Unsightly or Dangerous Land**

9. An owner or occupier of land must not allow that land to be kept in a way that is unsightly, dangerous, or detrimental to the general amenity of the neighbourhood in which it is located.
10. Land may be considered unsightly, dangerous, or detrimental to the general amenity of the neighbourhood if it has any of the following:
  - *Rubbish*;
  - Grass or weeds over 15 centimetres in height on land that is 4000m<sup>2</sup> or less in size;
  - More than two visible unregistered motor vehicles, or any number of visible unroadworthy, disassembled, incomplete or deteriorated motor vehicles;



- Accumulation of old, used, or second-hand machinery, scrap metal, materials, or goods;
  - Vegetation encroaching on or overhanging *Council Land* or a *road* at a height of less than 2.5 metres;
  - Vegetation obstructing the view of any street sign or traffic control item;
  - Any other item, material, or condition which in the opinion of an *Authorised Officer* causes the property to be unsightly, dangerous, or detrimental to the general amenity of the neighbourhood.
11. The owner of land which contains a building that is not occupied, not fit for occupation, or not occupied most of the time, must:
- Not allow any structure to become *dilapidated* or further *dilapidated*; and
  - Ensure no unauthorised person has access to the building or land.

### **Vacant Land**

12. An owner of vacant land that is not in a *Rural Zone* must not allow grass or weeds on the property to be over 15 centimetres in height.
13. An owner of vacant land must not allow any *rubbish*, litter, or other waste material to remain on the land.
14. If directed to do so by an *Authorised Officer*, an owner of vacant land must erect fencing securing the vacant land to the satisfaction of an *authorised officer*.

### **Nature Strips**

15. An owner or occupier of land that is not in a *Rural Zone* must ensure that any *nature strip* between the land and any abutting *road* does not contain grass or weeds over 30 centimetres in height.
16. An owner or occupier of land must not alter, or allow to be altered or remain altered, any *nature strip* between the land and any abutting *road* except in accordance with *Council's Nature Strip Beautification Policy*.

### **Environmental Weeds**

17. If directed to do so by an *Authorised Officer*, an owner or occupier of land must take all reasonable steps, to the satisfaction of an *Authorised Officer*, to control, reduce, and manage *environmental weeds* on land:
- 17.1 1000m<sup>2</sup> or less in size;
  - 17.2 Between 1001m<sup>2</sup> and 10,000m<sup>2</sup> in size;
  - 17.3 Larger than 10,000m<sup>2</sup> in size.

### **Shipping Containers**

18. An owner and/or occupier of land that is a *residential property* must not, without a *permit*, keep or allow to be kept a shipping container on that property.

## Camping and Caravans on Private Property

19. Unless permitted under a Planning Scheme applicable to the land, a person must not without a *permit* occupy, place, or cause or allow to be occupied or placed for the purpose of occupation, any caravan, tent, or other movable or *temporary dwelling* on that property.
20. Unless permitted under a Planning Scheme applicable to the land, a person must not place, park, store, or cause or allow to be placed, parked, or stored, more than one caravan on a residential property.

## Vehicle Crossovers

21. A person must not, without authorisation from *Council*, construct, remove, alter, or relocate any vehicle crossover.
22. An owner or occupier of land must:
  - 22.1 Maintain and keep in good condition any vehicle crossover, and ensure that the vehicle crossover aligns with any internal driveway; and
  - 22.2 Ensure that motor vehicles only access the property through a vehicle crossover constructed in accordance with *Council* requirements.
23. The owner or operator of a vehicle must not enter or exit any land in a vehicle except by using a vehicle crossover constructed in accordance with this Local Law.
24. *Council* or an *authorised officer* may direct an owner or occupier of land to, at their own cost:
  - 24.1 construct a temporary or permanent vehicle crossover; or
  - 24.2 repair or reconstruct a vehicle crossover; or
  - 24.3 remove any unauthorised vehicle crossover, and reinstate any kerb, channel, footpath or other areas to the satisfaction of the *authorised officer*.
25. A person who is given a direction under section 24 must comply with the direction, and carry out the works in accordance with any permits or licenses required for the work that was directed.

## Fencing

26. An owner or occupier of land adjoining *Council Land* must not, without a *permit*, construct or allow an opening or gate in any fence on the boundary between their land and the adjoining *Council Land*.
27. *Council*, or an *Authorised Officer*, may direct the owner or occupier of land to remove any gate or opening between *Council Land* and private property.

## Open air burning

28. A person must not, without a *permit*, light, allow to be lit, or allow to remain lit any fire in the open air, unless it is lit on a day that is not a Total Fire Ban Day and:
  - 28.1 In a purpose-built or constructed barbeque, grill, or pizza oven, or similar for the purpose of cooking food; or

- 28.2 In a brazier, chiminea, or portable fire pit, no larger than 1 metre in diameter, while it's being used for heating; or
- 28.3 By a member of the Country Fire Authority or Fire Rescue Victoria acting lawfully as part of their duties; or
- 28.4 A tool of trade while being used for the purpose for which it was designed; or
- 28.5 As part of a religious or cultural ceremony
29. Any fire lit in accordance with the above clause must burn only plant matter (including but not limited to wood, branches, and leaves) and must not cause a nuisance or health hazard to any person.

Note: *Council* will not issue *permits* for Open Air Burning on residential properties except in exceptional circumstances.

### Household Bins

30. The occupier of any land to which *Council* provides a *municipal waste, recycling, or green waste collection service* must:
- deposit all waste and recycling material for collection in the *designated household bin* for the collection of each material; and
  - not place out for collection by *Council* any waste or recycling material other than in an approved *household bin*; and
  - not remove a *household bin* from any land, except when it is placed out for collection; and
  - not, without consent of *Council* or an *Authorised Officer*, place out for collection more than one *household bin* of each type; and
  - Ensure that when a *household bin* is not placed out for collection, it is returned to the land to which it was supplied.
31. Any *household bin* placed out for collection by the occupier of any land must be placed:
- as close as possible to the kerb in front of the land, unless *Council* or an *Authorised Officer* directs that the *household bin* be placed in another position; and
  - with a minimum of 3 metres of clearance above the lid of the bin, and horizontal distance of 50 centimetres from the sides of the bin to any object; and
  - with the side of the bin on which hinges securing the lid are positioned facing the land; and
  - at the kerb no more than 24 hours prior to the nominated collection day; and
  - In a manner that does not cause a hazard to any person or vehicle.
32. A person must not place any waste or recycling material into a *household bin* that would prevent the lid of the bin being closed.

33. The occupier of any land must ensure that any area where a *household bin* is placed between collections is kept in a clean, inoffensive, and sanitary condition.
34. The occupier of any land must ensure that *household bins* are kept in a clean, inoffensive, and sanitary condition; and with the lid closed at all times, except when material is being deposited or removed or when it is being cleaned or repaired.
35. Once waste has been collected by or on behalf of *Council*, the occupier of land must return their *household bin* to the land on the same day on which it was emptied.
36. The occupier of any land must not use, or allow to be used, a *household bin* for any purpose other than the deposit of the relevant waste or recycling material in accordance with this Local Law.
37. A person must not, without the consent of the relevant occupier, deposit waste or other matter in any *household bin* supplied to any land on which they do not reside.
38. An owner or occupier of a unit, townhouse or apartment to which a *household bin* is supplied must clearly label the bin with the number of the unit, townhouse or apartment the *household bin* has been supplied to.
39. If *Council* or an *Authorised Officer* reasonably believes that an occupier of land has persistently contravened any of clauses relating to *household bins*, *Council* may suspend, temporarily or indefinitely, *municipal waste, recycling, or green waste collection service* to the land.

#### **Noise and Alarms**

40. An owner or occupier of land must not install, allow to be installed, or 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 for longer than five minutes.
41. A person must not use, or allow a person under their care or control to use, a *recreational vehicle* on any land in a manner that emits unreasonable noise or which otherwise gives rise to a nuisance to any person who is present on adjoining land or on an adjoining *road*.
42. An owner or occupier of land must not use, or allow a person to use, a *recreational vehicle* on the land in a manner that emits unreasonable noise or which otherwise gives rise to a nuisance to any person who is present on adjoining land or on an adjoining *road*.

#### **Vehicle Repair & Heavy Vehicles**

43. Without a *permit*, an owner or occupier of land that is a *residential property* must not keep, park, or repair a *long or heavy vehicle* on the land.
44. Unless permitted under a Planning Scheme applicable to the land, a person may only repair a motor vehicle on land that is a *residential property* if the motor vehicle is owned by a person currently living at the property.

#### **Garage Sales**

45. An owner or occupier of land that is a *residential property* must not hold or allow to be held more than six garage sales per calendar year on the land.

## Part 3: YOUR PETS AND ANIMALS

### Animal Permits

Note: This Part does not apply to any land on which a pet shop or veterinary practice is located if the use of the land for those purposes is permitted under a Planning Scheme applicable to the land.

46. Without a *permit*, an occupier of land must not keep more than the allowed number of each kind of animal than as set out in the table below:

	<b>Flat, Unit, or Townhouse</b>	<b>Freestanding Residential House</b>	<b>Rural Zoned Property</b>
<b>Dogs</b>	1	2	4
<b>Cats</b>	1 – if there is a dog on the property	2 – if there are more than 2 dogs kept on the same property	4
	2- if there are no dogs on the property	3 – if there are less than two dogs kept on the same property	
<b>Chickens (excluding roosters)</b>	0	6	Not limited under the Local Law
<b>Rabbit, Guinea pig or Ferret</b>	2 in total	4 in total	Not limited under the Local Law
<b>Pigeons</b>	0	10	Not limited under the Local Law
<b>Budgie, canary, finch, or other small domestic bird</b>	3	10	Not limited under the Local Law
<b>Rooster, Geese, Turkey, Guinea Fowl, Duck, Peacock, or other poultry or fowl not listed in this table</b>	Prohibited	Prohibited	Not limited under the Local Law
<b>Horse, cattle, sheep, pig, goat, or other agricultural animal</b>	Prohibited	Prohibited	Not limited under the Local Law
<b>Cockatoo, corella, galah or other large parrot</b>	Prohibited	0	Not limited under the Local Law

Note: Where '0' appears as the allowable number in the table above, a person must apply for a permit to keep any number of that group of animals. Where 'Prohibited' appears, *Council* will not consider applications for the keeping of that group of animals and they are not permitted to be kept.

## Keeping of animals generally

47. A person must not keep on any land any poultry, pigeon, rabbits, guinea pigs, or ferrets other than in an appropriate cage, loft, hutch, or other structure confined to a fenced rear yard of the land.
48. Unless permitted under a Planning Scheme applicable to the land, a person must not, without a *permit*:
- 48.1 exercise a pigeon other than during 2 hours after sunrise or 2 hours before sunset;  
or
- 48.2 race any pigeon other than at an organised racing event.
49. A person:
- 49.1 who is in charge or control of an animal on a *road* or *Council Land* must carry a bag or other receptacle for the purpose of removing and disposing of animal excrement; and
- 49.2 must not allow excrement of an animal under their care or control to remain on a *road* or *Council Land*.
50. A person keeping an animal on land on a *residential property* must ensure that the building or other structure in which the animal is housed:
- 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
  - is not located between the front of the *dwelling* on the land and the *road*; and
  - does not exceed 2.5 metres in height.
51. A person keeping an animal must ensure that the land on which the animal is kept is maintained in a way that is:
- clean, inoffensive and sanitary; and
  - not causing a nuisance to any person; and
  - not hazardous or dangerous; and
  - not allowing any noise or smell to emanate from the animal or its housing which interferes with the reasonable comfort or enjoyment of persons who occupy adjacent or nearby land.
52. A person must not feed a dog or cat which they do not own, unless the owner of the dog or cat has consented to the animal being fed.

## Behaviour of Dogs

53. A person keeping a dog (other than a Declared 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.

54. If in the opinion of an *authorised officer* there is a breach of clause 53, the *authorised officer* may require an owner of the dog to comply with an individual Animal Management Plan.
55. 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.
56. A person must not leave a *tethered* dog unattended in a *public place*.
57. A person in charge of a dog must ensure that a dog is not kept on land such that a person cannot access an entry door of a *dwelling* on the land without being confronted by a dog.

### **Livestock**

58. The owner of *livestock* must not, without a *permit*, allow any *livestock* to graze or be driven on any *road*.
59. The owner or person in control 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*.
60. 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, to the satisfaction of an *Authorised Officer*, it is kept in an adequately fenced, escape proof area that is not adjacent to or adjoining any property boundary.

## **Part 4: CONSTRUCTION AND BUILDING SITES**

### **Building Sites Generally**

61. For the purposes of this division, 'person in charge of a *building site*' means:
  - 61.1 the owner of land on which *building work* is being carried out; or
  - 61.2 a *builder* engaged to carry out the *building work*; or
  - 61.3 an *appointed agent*
62. *Council* or an *authorised officer* may inspect a *building site* at any reasonable time.
63. Construction work that causes noise must not be undertaken before 7am or after 6pm Monday to Friday, or before 9am or after 5pm on weekends and *public holidays*.

### **Building Site Waste and Sanitation**

64. A person in charge of a *building site* must, in respect to *builder's waste*:
  - 64.1 provide a *waste facility* sufficient to contain and dispose of *builders waste*; and
  - 64.2 place the *waste facility* on the land, and keep it in place (except for such periods as are necessary to empty the *waste facility*) for the *construction period*; and
  - 64.3 not place the *waste facility* on any *Council Land* or *road* without a *permit*; and

- 64.4 ensure that except when *builders waste* is being deposited into the *waste facility* or the *waste facility* is being emptied, the lid of the *waste facility* always remains closed; and
  - 64.5 ensure that the *waste facility* does not become overfull or allow windblown *rubbish* or *builder's waste* to escape; and
  - 64.6 ensure that all *builders waste* that requires containment is placed in the *waste facility* and that no *builders waste* is deposited in a location other than the *waste facility*; and
  - 64.7 ensure that *builder's waste* is not deposited in or over any part of the *stormwater system*; and
  - 64.8 remove from the land and lawfully dispose of all *builder's waste*, including the *builder's waste* in the *waste facility*, within seven (7) days of completion of the *construction period*; and
  - 64.9 ensure that *roads*, *nature strips* and gutters around the site are kept free from *builder's waste* and domestic waste generated by workers on the site.
65. A person in charge of a *building site* must ensure that any polystyrene material kept on the *building site*:
- 65.1 is placed and kept securely on the building site from the point of delivery, in a manner that prevents polystyrene from blowing beyond the boundary of the *building site*; and
  - 65.2 must ensure that all residual polystyrene material is removed from the *building site* within 48 hours of any slab being poured or as soon as framework has commenced, whichever is earlier.
66. A person in charge of a *building site* must not cause or allow any mud, dirt, building clean-up, wash-down, or any other waste, including liquid waste, to be discharged offsite or allowed to enter any part of the *stormwater system*.
67. A person in charge of a *building site* must ensure that no materials are:
- 67.1 deposited or kept on any part of an adjacent or abutting *road* or *Council Land* without the approval of *Council*; or
  - 67.2 deposited or kept on any adjacent or abutting *private land* or land vested in or owned by a *public body* other than *Council* without the permission of the owner of that *private land* or that *public body*.
68. A person in charge of a *building site* must ensure that a sewerated toilet or an appropriate freshwater flushing portable toilet is provided for the use of persons on the *building site*.
69. Where up to three adjoining *building sites* are under the care of the same person in charge, one sewerated toilet or portable fresh water flushing toilet may service up to three adjoining *building sites*.
70. Where more than three *dwellings* are being constructed on a single site, additional sewerated toilets or portable fresh water flushing toilets must be provided to the satisfaction of an *Authorised Officer*.



71. Any portable toilet provided must be serviced as required and at least monthly, and available and accessible to persons on the *building site*, except when it is being serviced.

### **Access, Fencing, and Identification of Building Sites**

72. A person in charge of a *building site* or the owner or operator of any vehicle accessing a *building site* must ensure that vehicles only enter the *building site* using a properly constructed permanent or temporary vehicle crossover, unless otherwise permitted by *Council*.
73. A person in charge of a *building site* must ensure that, prior to the commencement of any *building work*, the land is secured with permanent or temporary fencing which is at least 1.8 metres high and is to the satisfaction of *Council*.
74. Fencing, including fence footings, must not encroach on or obstruct any part of *Council Land* or adjoining land.
75. A person in charge of a *building site* must erect a sign at the entrance to the *building site* which must be visible and legible from the *road*, remain in place for the duration of the *construction period* and:
- is at least 60 centimetres in height and 40 centimetres in width;
  - contains the lot number and street name of the *building site* as described in the relevant certificate of title; and
  - identifies the name, postal address and a business-hours contact telephone number of the person in charge of the *building work*.

### **Asset Protection on building sites**

76. At least 7 days prior to commencement of any work on a *building site*, a person in charge of a *building site* must notify *Council* in writing, in a form approved by *Council*, of any existing damage to *Council* assets or an adjoining *road*.
77. If a person in charge of a *building site* fails to give written notice in accordance with clause 76, 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*.
78. A person in charge of a *building site* or land where *building work* has been carried out must, to the satisfaction of *Council*, repair any damage caused by the *building work* to the *road*, channel, drain, vehicle crossover or other asset vested in *Council* adjacent to the land where the *building work* takes place.
79. If *Council* or an *authorised officer* identifies any damage which appears to result from non-compliance with this Local Law, an *authorised officer* may direct the responsible party to reinstate the damage within a specified time, and must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable timeframe.

### **Management of Subdivisions**

80. A person in charge of any subdivision *building works* must erect a sign at the entrance to the *building site* which must be visible and legible from the *road*, remain in place for the duration of the *construction period* and:

- is at least 80 centimetres in height and 120 centimetres in width; and
- contains the name of the person or organisation that owns the *building site*; and
- 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

### **Works on Roads or Council Land**

81. 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.
82. A person must not, without a *permit*, occupy or fence off, erect a hoarding or scaffolding on, use a mobile crane or travel tower for any work on, or make or fill a hole or excavation in any *road* or part of a *road*.
83. A person must not, without a *permit*, remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on any *road*.
84. Clauses 81, 82, and 83 do not apply to any authority undertaking works to improve or repair public infrastructure, if the authority notifies *Council* in writing of the works to be undertaken.

### **Blasting Controls**

85. Without a *permit*, a person must not carry out any *blasting operations*.

## **Part 5: BUSINESSES AND TRADE**

### **Commercial Activities on Roads & Council Land**

86. A person must not, without a *permit*:
- 86.1 display, sell or allow to be displayed or sold any goods or services on, or within, a *road* or *Council Land*; or
  - 86.2 erect, operate or cause to be erected or operated any amusement, circus, or carnival on *Council Land*; or
  - 86.3 conduct fitness training for commercial gain in a *Council Reserve*; or
  - 86.4 otherwise use a *road* or *Council Land* for *commercial purposes*.
87. 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* must move or remove them or it if directed to do so by an *authorised officer* or a person carrying out authorised service works in the area.

### **Outdoor Eating**

88. Unless permitted under a Planning Scheme applicable to the land, a person must not without a *permit*, place or allow to be placed any table, chair, barrier or other street trading item on a *road* or *Council Land*

## Advertising

89. A person must not, without a *permit*:
- 89.1 place or allow to be placed a movable *advertising sign* on a *road* or *Council Land*; or
  - 89.2 place or allow to be placed a sign on a rear or side boundary fence adjoining *Council Land* such that the sign faces out onto the *Council Land*; or
  - 89.3 distribute any handbills, place cards, notices, advertisements, books, pamphlets, goods, gifts or samples to any person on any *road* or *Council Land*; or
  - 89.4 erect, affix, place or leave any advertisement on a *road* or *Council Land*; or
  - 89.5 use a vehicle on to display an *advertising sign* on a *road* or *Council Land* in a manner such that the vehicle could not be legally or safely driven with the *advertising sign* attached.

## Shopping Trolleys

90. 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 the land from which it was removed, or land set aside for the return of such a shopping trolley.
91. A *retailer* who makes available more than 15 shopping trolleys must ensure that all shopping trolleys have a fully functioning *coin deposit and release mechanism*, or a *perimeter locking system*, or another system approved by *Council* that prevents the removal of shopping trolleys from the *retailer's* premises.
- 91.1 If shopping trolleys continue to be removed from a *retailer's* premises despite the installation of a system or mechanism described in the above clause, *Council* may direct the *retailer* to take additional reasonable measures to prevent the remove of shopping trolleys from the *retailers* premises.
92. Any trolley made available by a *retailer* must be clearly identified with the *retailer's* name and contact details.
93. Where a *retailer* has been notified that a shopping trolley belonging to the *retailer* has been abandoned on *Council Land*, the *retailer* must collect or arrange for the collection of the shopping trolley within 3 business days of the report being made.
94. *Council* may, in its absolute discretion, exempt any *retailer* from the application of 91 in respect of all shopping trolleys or particular types of shopping trolley provided by that *retailer*, either temporarily or permanently.
95. Where a *retailer* has been notified of an abandoned trolley and has failed to collect the trolley, *Council* may impound and dispose of the trolley without further notice.

## Amenity Protection Plans

96. If directed to do so by an *Authorised Officer*, the owner or operator of a business operating out of a *temporary structure* on *private land* in accordance with the relevant Planning Scheme, or an owner of land where such a business is operating, must:
- Prepare an *Amenity Protection Plan* for approval by an *Authorised Officer*; and

- Not operate or allow the business to operate except in accordance with the approved *Amenity Protection Plan*.

97. An *authorised officer* may only direct a person or business to prepare and comply with an *Amenity Protection Plan* in accordance with the above clauses if:

- The use of the land is permitted without a Planning Permit under the relevant Planning Scheme; and
- The *Authorised Officer* reasonably believes that an *Amenity Protection Plan* is required to protect the amenity of the surrounding area.

### **Short-Stay Accommodation**

98. An owner of land must not advertise, use, or allow to be used, the land for Short-Stay Accommodation without a *permit*.

### **Charity Collection and Soliciting**

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

### **Donation Bins**

100. A person must not, without a *permit*, place or allow to be placed any *donation bin* on *Council Land*.

101. An owner or occupier of land must not, unless permitted by a current Planning Permit, leave or allow to be left *donation bins* on *private land* without a *permit*.

102. A *donation bin operator* must not place, leave, or allow to be placed a donation bin on any land unless permitted by a current Planning Permit and the owner of the land.

103. Where a *donation bin* has been placed, the *donation bin operator* must ensure the area around the *donation bin* is kept clear of items and *rubbish*.

### **Commercial & Trade Waste**

104. A person must not, without a *permit*, place or keep a *commercial or trade waste hopper, bulk rubbish container, or other commercial waste bin* on *Council Land* or a *road*.

105. The owner or occupier of any land must ensure that any *trade waste hopper or bulk rubbish container* kept on the land is appropriately constructed and maintained in a clean and inoffensive manner and emptied regularly.

106. Any *commercial or trade waste bin* placed on *Council Land* or a *road* for collection must be clearly labelled with the associated business name.

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

- 7am to 8pm Monday to Saturday; and
- 9am to 8pm Sunday and *public holidays*.

108. 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:
- prepare a Waste Management Plan and submit it to *Council* for approval; and
  - not cause or allow any waste to be collected from the land other than in accordance with a Waste Management Plan approved by *Council*.

### **Busking**

109. A person must not, without a *permit*, *busk* on a *road* or *Council Land* with the objective, or apparent objective, of collecting money.

### **Water and Irrigation**

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

## **Part 6: COUNCIL LAND, ASSETS, AND ROADS**

### **Behaviour on Council Land and Public Places**

111. A person must not:
- 111.1 commit or cause any nuisance or interfere with another person's reasonable use and enjoyment of *Council Land*; or
  - 111.2 act in a manner which endangers any other person on *Council Land*; or
  - 111.3 act in a manner contrary to any direction or restriction displayed on a sign on *Council Land*; or
  - 111.4 without a *permit*, organise any function or event on *Council Land*; or
  - 111.5 obstruct, hinder, or interfere with any member of staff of *Council* in the performance of their duties on *Council Land*; or
  - 111.6 act contrary to any lawful direction of an *authorised officer* or member of *Council* staff given on *Council Land*; or
  - 111.7 improperly use or interfere with any lifesaving or emergency device located on *Council Land*; or
  - 111.8 graffiti or deface any *Council* Building or any object on *Council Land*; or
  - 111.9 spit upon or otherwise foul any *road*, *Council Land* or *public place*; or
  - 111.10 destroy, damage or interfere with any *road* or thing on a *road*; or
  - 111.11 without a *permit*, place or allow to be placed any thing on any *Council Land* or *road* so as to endanger any other person or any property; or

- 111.12 deposit into any public bin provided by *Council* on a street, park, or *reserve*, any garden organic material, commercial waste, or waste generated on *residential property*; or
- 111.13 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*; or
- 111.14 without *Council's* written approval, host or hold a *street party*.

### **Damage to Council Assets**

112. A person must not, without the consent of *Council* or a *Council* officer, cut, fell, poison, or otherwise damage or kill a tree or plant on *Council Land*.
113. A person must not, without the consent of *Council* or a *Council* officer, destroy, damage, interfere with or deface *Council Land*, or anything located at or on *Council Land*.
114. A person must not, without the consent of *Council* or a *Council* officer, remove an object that belongs to *Council* from *Council Land*.

### **Alcohol**

115. A person must not, without a *permit*, on a *road*, in a *public place*, or in any *motor vehicle* which is on a *road* or in a *public place*:
- 115.1 consume any alcohol; or
- 115.2 have in their possession any unsealed container of alcohol
116. Nothing in clause 115 applies to any person who:
- is in or on premises that are licensed under the *Liquor Control Reform Act 1998*; or
  - is the subject of a written exemption granted by *Council* in connection with a function or event; or
  - is in an area of *Council Land* that *Council* has *designated* as an area where alcohol may be consumed.

### **Motor Bikes and Recreational Vehicles**

117. A person must not, without a *permit*, ride or otherwise use a motor bike or other *recreational vehicle* on any part of *Council Land*, unless the part of *Council Land* has been prescribed for that purpose.
118. A person must not, without a *permit*, allow a person under their care to ride or otherwise use a motor bike or other *recreational vehicle* on any part of *Council Land*, unless the part of *Council Land* has been prescribed for that purpose.

### **Council Reserves and Parks**

119. In a *reserve* or *park*, a person must not:
- 119.1 use any children's playground equipment other than for the purpose for which it is provided; or

- 119.2 swim, paddle, dive or jump into or enter any wetland, lake, pond, creek or other watercourse, except any areas specifically designed as water play areas; or
  - 119.3 allow a dog to enter or jump into any wetland, lake, pond, creek or other watercourse; or
  - 119.4 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna; or
  - 119.5 enter or remain on an area set aside as a playing ground during the course of a sporting match or gathering, unless that person is a player, official, or competitor in or at a sporting match, training session or gathering; or
  - 119.6 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 dangerous or likely to interfere with the reasonable use or enjoyment of the *reserve* by any other person; or
  - 119.7 play or practise golf other than in a *reserve designated* or set aside by signage as a golf course
  - 119.8 operate any drone, model aircraft, or remote-control vehicle in a manner that causes or is likely to cause a nuisance to other persons enjoying the *reserve*;
120. In a *reserve* or *park*, without a *permit* an owner must not:
- 120.1 Conduct or celebrate a wedding; or
  - 120.2 play, organise, practice or engage in any organised competitive sport or game; or
  - 120.3 use an amplifier.

### **Drains**

121. A person must not:
- 121.1 without a *permit*, destroy, damage, interfere with or tap into any drain, culvert or sewer vested in *Council*; or
  - 121.2 allow any drain vested in them and located on land which they own or occupy to fall into disrepair or a condition which is dangerous to health; or
  - 121.3 perform any act in relation to a drain into which they have been permitted to tap or to which they have been permitted to connect which causes the drain to be damaged or to fall into disrepair.

### **Smoke-Free Areas**

122. *Council* may designate any area of the municipality to be a *smoke free area*.
123. A person must not *smoke* a *tobacco product* in an area *designated* by *Council* as a *smoke free area*.

### **Council Facilities**

124. A person attending or using a *Council* facility must comply with any reasonable direction from a *Council* employee carrying out their duties.

125. A person in a *Council* Library must:
- 125.1 not leave any child under the age of 12 years unsupervised without the consent of a *Council* staff member present in the library; and
  - 125.2 relinquish any item ordinarily held in a *Council* library at the request of any member of *Council* staff present in the library; and
  - 125.3 not leave any pamphlet, poster or handbill in any *Council* library without the consent of a member of *Council* staff present in the library.

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

126. Unless permitted under a Planning Scheme applicable to the land, a person must not without a *permit* camp, or erect, place or occupy a *caravan*, tent or similar structure on a *road* or *Council Land* or in a *public place*.

### **Hoon Events**

127. A person must not participate in, encourage, or attend a *hoon event* without lawful excuse.
128. The driver of a motor vehicle must not stop or park in close proximity to a *hoon event* without lawful excuse.

### **Vehicles**

129. The owner or operator of a *motor vehicle* must not cause or allow a *motor vehicle* to be painted, serviced, maintained, dismantled or repaired on a *road*, except in an emergency breakdown.
130. The owner or operator of a *motor vehicle* must not display or allow to be displayed a vehicle for sale on a *road*, *road-related area* or *Council Land*.
131. A person must not park, keep, or store any unregistered *motor vehicle* on a *road*, *road-related area* or *Council Land*.
132. An owner or operator of a vehicle must not park, keep, or leave standing a *motor vehicle*, boat, trailer, or *caravan* on *Council Land*, including a park, *reserve*, or sporting oval, unless in an area specifically set aside for that purpose.
133. An owner or operator of a vehicle must not drive a *motor vehicle* in a *Council Reserve* or Park, unless in an area specifically set aside for that purpose.
134. The owner or operator of a *heavy or long vehicle* must not allow the vehicle to be parked for longer than one hour on *Council Land* or any *road-related area* in a *built-up area*, unless signage is displayed specifically allowing *heavy or long vehicles* to park in the location for longer than one hour.
135. The owner or operator of a *motor vehicle* must not use a *road* contrary to any sign indicating a restriction or prohibition of the use of the *road*.

### **Obstructions**

136. A person must not, without a *permit*, leave, or allow, or cause to be left on *Council Land* or a *road* any *bulk rubbish container* or other thing that encroaches on or obstructs the free use of the *road* or *Council Land*.



137. If a person reasonably suspected of having committed an offence under clause 136 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, the person who requested the bin be placed or a business which supplies the *bulk rubbish container* or other thing which is left on the *road* may be charged with and is capable of committing an offence under clause 136.

### **Mud and Spoil on Roads**

138. An owner or operator of a vehicle must not allow any soil, earth, mud, clay, or other like substance to fall or escape from the vehicle onto a *road*.
139. An owner or occupier of land must ensure that vehicles exiting the land do not carry mud, soil, earth, or clay onto the adjoining or nearby *road*.

## **Part 7: ADMINISTRATION AND ENFORCEMENT**

### **Permits**

140. *Council* or an *authorised officer* may, with absolute discretion:
- issue a *permit* under this Local Law with or without conditions, including the payment of any applicable fee, or refuse to issue the same; and
  - make appropriate delegations of *permit*-issuing powers; and
  - set fees and charges relating to *permits*; and
  - waive payment of any fee for a *permit*; and
  - set an expiry date for any *permit*; and
  - Impose any conditions considered to be appropriate by *Council* or an *Authorised Officer*; and
  - Correct any *permit* if the *permit* contains a clerical mistake or error, miscalculation of figures or any other error or mistake.
141. *Council* must keep a register of *permits*.
142. *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*; and
  - provide *Council* with more information before *Council* or the *authorised officer* deals with the *permit* application.
143. *Council* or an *authorised officer* may cancel or amend any *permit* if they consider that there has been:
- 143.1 a material misstatement or concealment of fact in the application for a *permit*; or
  - 143.2 any material mistake in the issuing of a *permit*; or
  - 143.3 any material change of circumstances which has occurred since the issue of the *permit*; or

- 143.4 a failure to comply with the conditions under which the *permit* was issued; or
- 143.5 a failure to comply with a *Notice to Comply* within the time specified in the *Notice to Comply*.
144. *Council* or an *authorised officer* must notify the holder of a *permit* of the 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.
145. Any correction, amendment, or cancellation of a *permit* must be noted in the register of *permits*.
146. A *permit* holder must comply with all conditions listed on the *permit*.

## **Impoundments**

147. An *authorised officer* may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
148. 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, by mail, or email on the person who appears to be the owner of the impounded thing, setting out the fees and charges payable and the time by which the item(s) must be retrieved.
149. Impounded items will be returned to the owner or person acting on behalf of the owner when:
- evidence to the satisfaction of the *authorised officer* is provided showing the owner's right to the item; and
  - the owner pays to *Council* any fee determined by *Council*.
150. If an item is not retrieved by the owner or a person acting on the owners behalf within 14 days of the impoundment or by the date set out on the Notice of Impounding (whichever is greater), *Council* may sell, give away, or destroy the impounded item.
151. Clause 150 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 owner.

## **Notice to Comply**

152. *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.
153. A Notice to Comply served in accordance with this Local Law must set out:
- the nature of any breach of the Local Law; and
  - the day or date by which the breach must be remedied.
154. 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:

- the degree of risk or potential risk; and
  - the amount and difficulty of the work involved; and
  - climatic conditions; and
  - any other relevant matter.
155. A person who fails to comply with a Notice to Comply served on that person is guilty of an offence.
156. Nothing in this Local Law:
- 156.1 obliges *Council* or an *authorised officer* to serve a Notice to Comply; or
- 156.2 precludes *Council* or an *authorised officer* from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

### **Urgent Circumstances**

157. An *authorised officer* may act to remedy any circumstance which threatens a person's life, health, or property, an animal, or the environment, without issuing a *Notice to Comply*, provided that:
- the circumstance arises out of a person's use of *Council Land*, *public place* or *road*, or failure to comply with a provision of this Local Law; and
  - the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
  - the person to whom a Notice to Comply would have otherwise been served, as soon as possible, is notified of the urgent circumstance and the action taken to remedy it.

### **Offences**

158. A person is guilty of an offence if they:
- 158.1 contravene or fail to comply with any provision under this Local Law; or
- 158.2 contravene or fail to comply with any condition contained in a *permit* issued under this Local Law; or
- 158.3 contravene or fail to comply with a Notice to Comply or a direction of an *Authorised Officer* under this Local Law.
159. A person who commits an offence under this Local Law is liable to a maximum penalty of 20 penalty units.
160. Where a corporation commits an offence under this Local law, any directors or officers of that corporation also commit an offence.

### **Infringements**

161. As an alternative to prosecution, an *Authorised Officer* may serve an Infringement Notice for any breach of this Local Law.

- 162. The fixed penalty in respect of an offence for which an infringement is issued is the amount set out in Schedule 1 or, if no amount is set out, two (2) penalty units.
- 163. This Local Law may prescribe different penalty amounts for individuals and for companies, owner's corporations, and body corporates.

**Exemptions**

- 164. *Council* or an *authorised officer*, may exempt any person or class of persons from the operation of any provision of this Local Law.
- 165. Any exemption under section 164 must be in writing and may be subject to conditions.

This Local Law was made by resolution of *Council* at a meeting held on ...../..... /2023.

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

## Schedule 1: Infringement Penalty Units

Clause	Offence Summary	Infringement Penalty Units for an individual	Infringement Penalty Units for a Company or Owners Corporation
8	Fail to clearly display property number	1	1
9	Allow land to be unsightly, dangerous, or detrimental to the general amenity of the area	2	4
11	Allow an unoccupied building to be dilapidated or not secured from unauthorised access.	5	8
12	Allow vacant land to have grass or weeds over 15cm in height	2	4
13	Allow rubbish or waste to remain on vacant land.	2	4
14	Fail to erect fencing to secure vacant land when directed to do so by an <i>Authorised Officer</i>	2	4
15	Allow grass or weeds on nature strip to be over 30cm in height	1	2
16	Alter a nature strip in a manner not permitted by the <i>Nature Strip Beautification Guidelines</i>	2	4
17.1	Fail to control, reduce, or manage environmental weeds on land 1000m <sup>2</sup> or less	2	4
17.2	Fail to control, reduce, or manage environmental weeds on land between 1001m <sup>2</sup> and 10,000m <sup>2</sup>	4	8
17.3	Fail to control, reduce, or manage environmental weeds on land larger than 10,000m <sup>2</sup>	6	12
18	Keep or allow to be kept a shipping container on private property without a permit	2	4
19	Occupy, place or allow <i>caravan</i> , tent, other to be placed or occupied without permit on private land	2	4
20	Place, park, or store more than one <i>caravan</i> on residential property without a permit	2	4
21	Construct, remove, or relocate a vehicle crossover without authorisation from Council	4	8
22.1	Fail to maintain vehicle crossover in good condition aligned with any internal driveway	4	8
22.2	Fail to ensure vehicles only access the property through a properly constructed vehicle crossover.	2	4
23	Owner or driver of vehicle did enter or exit property in a vehicle without using approved crossover	2	4
25	Fail to comply with direction to construct, repair, or remove a crossover	5	5
26	Construct or allow an opening or gate between private land and <i>Council Land</i> without a permit	2	4
28	Without a permit, allow a fire to be lit or remain lit in the open air	2	4
29	Burn non-plant material or open air burning causing a nuisance or health hazard	3	6
30	Fail to use household bin correctly	1	2
31	Fail to place household bin for collection appropriately	1	2
32	Place waste into household bin that did not allow lid to close	1	2
33	Fail to keep area where household bins are kept in a clean, inoffensive and sanitary condition	1	2
34	Fail to keep household bins in a clean, inoffensive condition and with lid closed at all times	1	N/A

35	Fail to return bin to property on same day as waste collection	1	N/A
36	Use household bin for purposes other than depositing waste in accordance with this <i>Local Law</i>	1	N/A
37	Deposit waste in a household bin supplied to land on which they do not reside	1	N/A
38	Fail to clearly number a household bin supplied to a unit, townhouse, or apartment.	1	N/A
40	Install or retain intruder alarm that emits noise audible beyond the land longer than five minutes.	2	4
41	Use or allow to use a recreational vehicle in a manner that causes unreasonable noise or nuisance	2	4
42	Own or occupy land and allow use of a recreational vehicle causing unreasonable noise or nuisance	2	4
43	Without a permit, keep, park, or repair a heavy or long vehicle on residential property	2	4
44	Repair a vehicle not owned by a person living at the land on a residential property	2	4
45	Hold or allow to be held more than six garage sales in a calendar year	2	4
46	Keep more than the allowed number of animals without a permit	2	2
47	Keep poultry, pigeon, guinea pig, rabbit, ferret not in appropriate structure confined to rear yard	2	2
48.1	Exercise pigeons other than during 2 hours after sunrise or 2 hours before sunset	2	2
48.2	Race pigeons other than at an organised racing event	2	2
49.1	Fail to carry bag or receptacle to remove animal excrement deposited on road or <i>Council Land</i>	.5	.5
49.2	Allow the excrement of an animal in their care or control to remain on a road or <i>Council Land</i>	1	1
50	Fail to keep an animal in appropriate building or structure.	2	2
51	Fail to keep land on which an animal is kept appropriately maintained	2	2
52	Feed a dog or cat without consent from the owner of the dog or cat	1	1
53	Fail to ensure a dog kept on the property does not behave in a threatening or offensive manner	2	2
54	Fail to comply with an Animal Management Plan	2	2
55	Fail to display signs at all entrances warning that a menacing dog is kept on the premises	2	2
56	Leave a tethered dog unattended in a public place	1	1
57	Fail to ensure a person can access an entry door of dwelling without being confronted by a dog	2	2
58	Without a permit, allow livestock to graze or be driven on any road or <i>Council Land</i>	5	5
59	Fail to immediately comply with any direction of an <i>authorised officer</i> to move livestock off road	2	2
60	Fail to ensure sexually entire large animal is kept securely not adjacent to or adjoining boundary	2	2
63	Undertake construction work that causes noise outside of allowed times	3	3
64.1	Fail to provide an appropriate waste facility	3	3
64.2	Fail to place and keep a waste facility in place for entire <i>construction period</i> on a <i>building site</i>	3	3

64.3	Place a waste facility on <i>Council Land</i> or road without a permit	3	3
64.4	Fail to ensure the lid of a waste facility remains closed at all times except when depositing waste	3	3
64.5	Allow waste facility to become overfull or allow windblown rubbish to escape	3	3
64.6	<i>Builders waste</i> placed in a location other than the refuse facility	3	3
64.7	<i>Builders waste</i> deposited in or over any part of the stormwater system	3	3
64.8	Fail to remove & lawfully dispose of <i>builders waste</i> within 7 days of <i>construction period concluding</i>	3	3
64.9	Fail to ensure road & nature strip around site are free from building waste, rubbish from workers	2	2
65.1	Fail to place, keep polystyrene securely from delivery in a way that doesn't allow it to escape site	4	4
65.2	Fail to remove polystyrene the earlier of: within 48 hours of the slab pour or framework begins	3	3
66	Cause or allow cleanup, wash down, paint, other waste to discharge offsite or into stormwater system	5	5
67.1	Fail to ensure no building materials deposited or kept on adjacent or abutting road or <i>Council Land</i>	5	5
67.2	Allow building materials to be deposited or kept on any adjacent or abutting land without permission	5	5
68	Fail to provide an appropriate toilet for the use of persons on the <i>building site</i>	3	3
70	Fail to provide additional toilets where more than three dwellings constructed on a single site	3	3
71	Fail to service or allow access to a toilet provided for the use of persons on the <i>building site</i>	1	1
72	Allowed vehicle to enter <i>building site</i> without using an appropriate vehicle crossover	1	1
73	Fail to ensure a <i>building site</i> is securely fenced	4	4
74	Fence or footings from a <i>building site</i> encroaching on or obstructing <i>Council Land</i> or adjoining land	4	4
75	Fail to display a sign of the appropriate size and containing the required details on a <i>building site</i>	2	2
76	Fail to notify Council in writing of existing damage to assets prior to construction	5	5
78	Fail to repair damage caused by <i>building works</i>	6	6
80	Fail to erect sign of the appropriate size and containing the required details on subdivision site.	2	2
81	Undertake work on road or <i>Council Land</i> without obtaining necessary permits, consents and licenses	3	3
82	Without a permit occupied, fenced off, erected a hoarding or scaffolding on, used a mobile crane or tower on, or made or filled a hole or excavation on a road or any part of a road.	3	3
83	Without a permit, occupy, fence, excavate, or use scaffolding, hoarding or a mobile crane on a road	3	3
85	Undertake blasting operations without a permit	5	5
86.1	Without a permit display, sell, or allow to be displayed or sold, any goods on road or <i>Council Land</i>	2	2

86.2	Without a permit, erect or operate any amusement, circus, or carnival on <i>Council Land</i>	5	5
86.3	Without a permit, conduct fitness training for commercial gain in a Council Reserve	2	2
86.4	Without a permit, otherwise use a road or <i>Council Land</i> for commercial gain	2	2
87	Fail to remove any displayed goods, advertisement, or furniture when directed to do so	5	5
88	Without a permit, place or allow table, chair, barrier, street trading item on road or <i>Council Land</i>	2	2
89.1	Without a permit, place or allow to be placed a movable <i>advertising sign</i> on a road or <i>Council Land</i>	2	2
89.2	Place or allow a sign on a rear or side boundary fence adjoining <i>Council Land</i>	2	2
89.3	Distribute handbills, notices, advertisements, pamphlets, goods, samples on a road or <i>Council Land</i>	2	2
89.4	Without a permit erect, affix, or place any advertisement on a road or <i>Council Land</i>	2	2
89.5	Advertising on vehicle parked on <i>Council Land</i> , road where vehicle can't be legally driven with sign	2	2
90	Fail to return shopping trolley to the land on which it was made available for use	2	2
91	Fail to ensure trolleys have a prescribed system or mechanism that prevents the removal of trolleys	5	5
92	Fail to clearly identify a trolley with retailers name and contact details	2	2
93	Fail to collect a trolley after notification of abandonment	2	2
96	Fail to prepare or comply with an Amenity Protection Plan	5	5
98	Advertise, use, or allow to be used, the land for Short Stay Accommodation without a permit.	5	5
99	Without a permit, solicit to collect gift, signatures or subscriptions on a road or <i>Council Land</i>	2	2
100	Without a permit, place a donation bin on <i>Council Land</i>	2	4
101	Owner or occupier of land allowed donation bin on land without current Planning Permit	2	4
102	Donation Bin Operator did place or allow donation bin on land without Planning Permit and permission	2	4
103	Fail to keep the area around a permitted donation bin clear of items and rubbish	3	6
104	Without a permit, place a commercial or trade waste hopper or <i>bulk rubbish container</i> on <i>Council Land</i>	2	4
105	Fail to ensure that a trade waste hopper or <i>bulk rubbish container</i> is clean and emptied regularly.	2	4
106	Fail to ensure commercial or trade waste bin on <i>Council Land</i> or road is labelled with business name	1	2
107	Collect commercial, industrial, or trade waste outside of the allowed times	2	4
108	Fail to prepare or comply with a Waste Management Plan	5	5
109	Without a permit, busk on a road or <i>Council Land</i>	2	2



110	Did allow irrigation water to flow or directly spray onto a road or <i>Council Land</i>	2	4
111.1	Commit or cause a nuisance or interfere with another person's reasonable use of <i>Council Land</i>	2	2
111.2	Act in a manner which endangers another person on <i>Council Land</i>	3	3
111.3	Did act in a manner contrary to any direction or restriction displayed on a sign on <i>Council Land</i> ;	2	2
111.4	Without a permit, organise any event or function on <i>Council Land</i>	2	2
111.5	Obstruct, hinder, or interfere with a member of staff of <i>Council</i> in the performance of their duties	2	2
111.6	Act contrary to a lawful direction of an <i>authorised officer</i> or Council staff given on <i>Council Land</i>	2	2
111.7	Improperly use or interfere with any lifesaving or emergency device located on <i>Council Land</i>	2	2
111.8	Graffiti or deface any Council Building or any object on <i>Council Land</i>	2	2
111.9	Spit upon or otherwise foul any <i>road, Council Land</i> or <i>public place</i>	2	2
111.10	Destroy, damage or interfere with any <i>road</i> or thing on a road	2	2
111.11	Place or allow to be placed any thing on <i>Council Land</i> or <i>road</i> to endanger any person or any property	2	2
111.12	Deposit in public bin garden organic material, commercial waste, or waste from residential land	2	2
111.13	Destroy, damage or interfere with Council watercourse, wetland, gutter, tunnel, bridge, levy other	4	4
111.14	Without Council's written approval, hold or host a street party.	1	1
112	Without consent cut, fell, poison, or otherwise damage or kill a tree on <i>Council Land</i>	3	4
113	Without consent destroy, damage, interfere with or deface <i>Council Land</i> , or anything on <i>Council Land</i> .	3	4
114	Without consent remove an object that belongs to Council from <i>Council Land</i>	3	4
115.1	Consume alcohol on <i>road, public place</i> , or in a <i>motor vehicle</i> on <i>road</i> or <i>public place</i> without permit	1	N/A
115.2	Possess unsealed alcohol on <i>road, public place</i> , or in <i>motor vehicle</i> on <i>road</i> or <i>public place</i>	1	NA
117	Ride or use a motor bike or <i>recreational vehicle</i> on <i>Council Land</i> not prescribed for that purpose	2	2
118	Allow a person to ride or use motor bike or recreational vehicle on Council Land	2	2
119.1	Use children's playground equipment other than for the purpose for which it is provided	2	2
119.2	In a reserve or park swim, paddle, or enter a watercourse, except in water play area	2	2
119.3	In a reserve or park allow a dog to enter or jump into a wetland or watercourse	2	2
119.4	In a reserve or park destroy, damage, interfere with, injure, or kill any flora or fauna	2	2
119.5	In a reserve or park enter or remain on a playing ground during a sporting match or gathering	2	2
119.6	In a reserve or park play, engage in, or practise a game or sport in a dangerous or nuisance manner	2	2

119.7	Play or practise golf in an area not set aside as a golf course	2	2
119.8	In a reserve or park use drone, model aircraft, or remote control vehicle causing a nuisance	2	2
120.1	In a <i>reserve</i> or <i>park</i> , without a permit conduct or celebrate a wedding	2	2
120.2	In a <i>reserve</i> or <i>park</i> without permit play, or practise an organised competitive sport or game	2	2
120.3	In a <i>reserve</i> or <i>park</i> , without a permit use an amplifier	2	2
121.1	Without a permit, destroy, damage, interfere with or tap into any Council drain, culvert or sewer	3	6
121.2	Allow drain vested in and on land they own/occupy to fall into disrepair or dangerous condition	2	2
121.3	Cause drain they were allowed to tap or connect into to be damaged or fall into disrepair	2	2
123	Smoke a tobacco product in an area designated by Council as a Smoke Free Area	2	2
124	Fail to comply with a reasonable direction from a Council employee in a Council Facility.	2	2
125.1	Leave a child under 12 unsupervised in a library without the consent of Council staff	2	2
125.2	Fail to relinquish an item belonging to Council library upon request	2	2
125.3	Leave a pamphlet, poster or handbill in a library without consent	2	2
126	Camp, or erect, place, or occupy a <i>caravan</i> , tent or similar on road, <i>Council Land</i> or public place	2	2
127	Participate in, encourage, or attend a <i>hoon event</i> without lawful excuse	8	8
128	While driving a motor vehicle, stop or park in close proximity to a <i>hoon event</i> without lawful excuse	8	8
129	Cause or allow a vehicle to be painted, serviced, maintained, dismantled or repaired on a road	1	1
130	Display or allow to be displayed a vehicle for sale on a <i>road</i> or <i>Council Land</i>	1	1
131	Park, keep, or store any unregistered vehicle on a <i>road</i> or <i>Council Land</i>	1	1
132	Owner/operator of vehicle parked, kept, left standing vehicle,boat, caravan, trailer on <i>Council Land</i>	1	1
133	Owner or operator of a vehicle did drive a vehicle in a Council Park, Reserve, or sporting oval	2	2
134	Park a heavy or long vehicle for longer than one hour on <i>Council Land</i> or road-related area	1	1
135	Owner/operator of vehicle used road contrary to sign indicating restriction or prohibition on road	1	1
136	Without a permit, leave a <i>bulk rubbish container</i> or other thing on a <i>road</i> or <i>Council Land</i>	2	2
138	Own or operate a vehicle and allow soil, earth, mud, clay or other to fall onto the road	2	4
139	Owner or occupier of land fail to ensure vehicle exiting land did not carry mud, other onto road	2	4
146	Fail to comply with all conditions listed on a permit	1	2
155	Fail to comply with a Notice to Comply	1	2