

7.1.7 MAKING OF COMMUNITY SAFETY & AMENITY LOCAL LAW

Responsible Manager:	Greg Talbot, Manager Community Amenity
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council:

- 1) notes Local Law No.3 - Community Amenity will expire in February 2025,**
- 2) resolves to release the proposed Community Safety and Amenity Local Law 2024 for community consultation in accordance with Councils *Community Engagement Policy* and the requirements set out in the *Local Government Act 2020*, and**
- 3) notes a subsequent report will be presented to Council for consideration following completion of the community engagement process.**

INTRODUCTION

The purpose of this report is to seek Council's endorsement to commence the process required to make the proposed Community Safety & Amenity Local Law 2024 (Attachment One) which has been developed to replace Local Law No. 3 – Community Amenity, which will expire in February 2025.

COUNCIL PLAN STRATEGIC OBJECTIVES

Good Governance

Effectively communicate and engage with the community.

Sustainable City

Major Initiative: Progress the review and remaking of the Local Law No.3 - Community Amenity which provides for the peace, order and good governance as well as promotes a physical and social environment free from hazards to health and addresses nuisances that may impact on enjoyment and wellbeing.

BACKGROUND

Local Law No.3 - Community Amenity commenced on 1 February 2015 and, unless revoked sooner will expire on 1 February 2025. The existing Local Law provides for the peace, order and good governance of the municipal district with a focus on safety and amenity. In order to ensure continuity with these objectives, Council needs to adopt a new Local Law before it expires.

The Local Government Act 2020 allows Council to make Local Laws about anything that Council is responsible for or can do under the Local Government Act or any other Act. Importantly a Local Law must not be inconsistent with the objectives of any Act or regulation and must not duplicate or be inconsistent with a planning scheme.

DISCUSSION

The existing Local Law cannot be extended or remade in its existing form due to the requirements of the Local Government Act 2020 which state that a Local Law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or regulations.

A range of inconsistencies with other legislation have been identified within the current Local Law. These are detailed in Attachment Two but can be broadly summarised as follows:

- 1) noise provisions that are addressed under the Environment Protect Act or the Public Health and Wellbeing Act.
- 2) nuisance arising from fires covered by the Public Health and Wellbeing Act.
- 3) access to facilities being gender specific
- 4) some parking matters that are subject to the Road Safety Act.
- 5) provisions associated with Graffiti addressed in the Graffiti Prevention Act.

It is proposed to make the Community Safety and Amenity Local Law, and it has been drafted to address these inconsistencies and make administrative changes and enhancements to address some shortfalls as well as long held community concerns that have arisen since 2015 when the existing Local Law was made.

The recommended enhancements for the proposed Local Law are outlined in Attachment Two and include:

- a. Property managers' responsibility: It is proposed that the Local Law include mechanisms to make property managers equally responsible, along with landowners and occupiers, for matters related to safety and the appearance of land, especially regarding unsightliness. This would ensure that property managers are accountable for maintaining the standards and conditions of the land they manage, and that they can be penalised for any breaches of the Local Law.
- b. Unregistered and unused vehicles: It is proposed that the Local Law limit the number of unregistered and unused vehicles that can be kept on private land. This would prevent the accumulation of vehicles that may pose a fire hazard, create an environmental nuisance, or affect the amenity of the neighborhood.
- c. Building condition: It is proposed that the Local Law strengthen the rules around the condition of buildings, including incomplete and dilapidated buildings. So far as practicable, this would include measures to help see that buildings are safe, secure, and not detrimental to the public health or the visual amenity of the area.
- d. Donation bins: It is proposed that the Local Law regulate the management of donation bins.
- e. Behavior on Council land and buildings: It is proposed that the new Local Law better prescribe the behavior that is expected on Council land and buildings. This would include the rules and restrictions for accessing, using, or occupying Council land and buildings, the activities and conduct that are prohibited or regulated, and the consequences for any breaches of the Local Law.
- f. Waste Management at Accommodation: In shared accommodations, waste management issues frequently arise due to insufficient bin capacity, resulting in bins being filled beyond capacity causing spillage. It is proposed that it be incumbent upon property owners and

managers to ensure the supply of adequate bins to cater to the needs of the occupants. This clause would apply to all shared properties where four or more unrelated people reside, not just rooming houses. Failure to comply may result in penalties.

- g. Waste Management Generally: It is proposed that the Local Law clarify the times when council bins can be left out and when they must be returned to the property.

The objectives and intended effects of the proposed Local Law are consistent with the existing Local Law as follows: -

- To provide for the peace, order and good governance of the municipal district;
- To 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; and
- To 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,

By: -

- 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
- Providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.

The review of the Local Law identified a variety of further changes that could be implemented. However, these require further consideration, drafting as well as community consultation. As there is further work to be done and the new Local Law needs to be made prior to its expiry, it is recommended that Council proceed with the changes as outlined in this report at this time. The further matters, highlighted below, can be further considered, evolved and drafted and presented to a future Council meeting for consideration. It is not anticipated that this would occur prior to early/mid 2025. Council can then consider whether it would undertake further explore an amendment to the Local Law and undertake community consultation on what may be proposed.

These further matters could include:

- a. Incorporating policies such as the Parklets on Roads Policy and the Footpath Access and Trading Policy and creating a Waste management policy.
- b. Enhancing the provisions relating to Activities in Council reserves, including what is permitted and what is prohibited.
- c. Enhancing and strengthening the provisions around the use of Council land and behaviour on Council land.

These matters, including more specific detail on what they seek to achieve and which parts of the Local Law they replace along with a comprehensive consultation strategy will be presented to a future Council meeting.

FINANCIAL IMPLICATIONS

The process of consultation, analysis and adoption of the Local Law has been factored into existing operational budgets.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

It is intended to release the proposed Local Law for public consultation in accordance with the attached Communications and Consultation Plan (Attachment Three). Submissions will be analyzed, and a report submitted to Council, outlining the consultation results including any relevant recommendations to assist Councils final considerations prior to adopting the new Local Law.

Before making a Local Law, the Council must follow these steps as outlined in the Local Government Act 2020:

1. It must follow its community engagement policy. The Monash Community Engagement Policy requires that Council makes a Local Law with a participatory engagement approach. This means Council should engage the community in the decision-making process for the Local Law, especially in informing and consulting with the community.
2. It must publish a notice on its website and make available a physical copy of the draft Local Law to be viewable by the community. The notice must say what the Local Law aims to do, how it will affect people, where people can see a copy of the Local Law, and how people can get involved in the decision-making process.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

The Local Government Act 2020 stipulates that a Local Law must not conflict with any Act or regulation, inclusive of the Charter of Human Rights and Responsibilities Act 2006. The proposed Local Law has been carefully drafted to ensure its consistency with the Charter.

GENDER IMPACT ASSESSMENT

Because the proposed Local Law will have a direct and significant impact on the Monash community, a Gender Impact Assessment will be undertaken to inform Councils considerations when adopting the new Local Law.

CONCLUSION

The proposed Community Safety & Amenity Local Law has been developed to replace Local Law No. 3 – Community Amenity, which will expire in February 2025. The proposed Local Law has been drafted to address conflicts with overarching State and Federal laws and includes administrative changes and enhancements that respond to some shortfalls and long held community concerns that have arisen since 2015 when the existing Local Law was made.

The community will be asked for their feedback on the proposed Local Law via a consultation process. Submissions received will be considered, and a report submitted to Council, outlining the consultation results including any relevant recommendations to assist Council’s final considerations prior to adopting the new Local Law.

ATTACHMENT LIST

1. Attachment One Proposed Community Amenity and Safety Local Law 2024 (2) [7.1.7.1 - 50 pages]
2. Attachment Two Local Law Review (5) [7.1.7.2 - 4 pages]
3. Attachment Three Communications and Community Engagement Plan (2) [7.1.7.3 - 6 pages]
4. Updated Attachment One - Proposed Community Amenity and Safety Local Law 2024 [7.1.7.4 - 51 pages]



COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024



**CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024
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CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024

PART 1
PRELIMINARY

1 Title

1.1 This Local Law is called "Community Safety And Amenity Local Law 2024".

2 What are the objectives of this Local Law?

2.1 The objectives of this Local Law are to:

- 2.1.1 provide for the peace, order and good governance of the municipal district;
- 2.1.2 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; and
- 2.1.3 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:

- 2.1.4 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
- 2.1.5 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.

3 What authorises this Local Law?

3.1 This Local Law is made under section 71 of the Act.

4 When does this Local Law commence?

4.1 This Local Law commences on [##INSERT DATE].

5 When does this Local Law end?

5.1 Unless revoked sooner, this Local Law ends on [##INSERT DATE].

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

6.1 This Local Law applies throughout the whole of the municipal district.

7 What does this Local Law replace?

7.1 From the commencement of this Local Law, Local Law No. 3 – Community Amenity is revoked.

8 Definitions

8.1 The following defined terms are intended to have the following meanings, unless the context suggests otherwise:

"accommodation" means all forms of accommodation on private land where 4 or more people who are not family are accommodated.

"Act" means the *Local Government Act 2020*.

"advertising sign" includes any placard, board, sign, card, banner or similar item, whether portable or affixed or attached to any land, building or other structure or item, which:

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

"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.

"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.

"assistance dog" has the meaning ascribed to it by section 4(1) of the *Equal Opportunity Act 2010*.

"authorised officer" means a person appointed by Council to be an authorised officer under section 224 of the *Local Government Act 1989*.

"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 (\$1) or two (2) dollar (\$2) coin.

"builder" means a person who:

- (a) carries out building work; or
- (b) is not an owner of land on which the building work is carried out but manages or arranges the carrying out of building work on that land.

"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 or part of which building work is being carried out;

"building work" means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, and includes any changes to the natural or existing topography of land including excavation, landscaping, concreting, trenching, digging, filling, subdivision and road construction, whether by mechanical or manual methods, and the loading and unloading of any goods or materials for or in connection with any building work, 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 (\$1) or two (2) dollar (\$2) coin or equivalent authorised token of the same size.

"construction period" means the period during which building work is being carried on.

"Council" means Monash City Council.

"Council Asset" means any asset, item or thing located, in, on or under a road or Council land, including a structure, building, fixture, freestanding object, appliance, equipment, drain, tree, bridge, turf, cricket pitch, service channel, sign and hydrant that is not owned by another person or public body.

"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.

"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
- (f) motor vehicles;

- (g) waste from a vacuum cleaner, hair, moist refuse or similar waste, unless it is wrapped or contained in a manner which prevents its escape;
- (h) ash, unless it is:
 - (i) cold;
 - (ii) dampened; and
 - (iii) wrapped or contained in a manner which prevents its escape;
- (i) trade waste;
- (j) recyclables;
- (k) oil, paints, solvents and similar substances;
- (l) any broken glass, lancet or other sharp object, unless:
 - (i) it is wrapped in impermeable material; or
 - (ii) contained entirely within an impermeable container from which it cannot escape;
- (m) disposable nappies, unless they have been cleaned of faeces and wrapped in impermeable material;
- (n) any waste that cannot be contained in an approved garbage receptacle due to its size, shape, nature or volume;
- (o) medical or veterinary waste;
- (p) building materials, including, without limitation, bricks, concrete, timber and metal objects;
- (q) furniture and like objects;
- (r) motor vehicle parts;
- (s) green waste;
- (t) any object which may damage the collection mechanism or a
- (u) vehicle used for the collection of refuse; and
- (v) 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.

"donation bin" means a receptacle located outdoors and placed, installed, displayed, operated, used, altered or maintained for the purpose of collecting donated items from the public, but does not include a receptacle located within a building or a receptacle owned or operated by Council.

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

"event" means an organised recreational, cultural, commercial or social event or gathering of people.

"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.

"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 2017*.

"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 78.

"poultry" includes hens, ducks, geese, peacocks, turkeys, bantam, squab, guinea fowls and other edible birds over the age of 12 weeks but excludes roosters;

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

"property manager" means the person appointed by the owner of land or premises to manage that land or premises on their behalf.

"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*.

"racing pigeon" means any pigeon kept by its owner for the purpose of racing if that owner is a member of a club or association:

- (a) established for the racing of pigeons; or
- (b) which is affiliated with an organisation established for the racing of pigeons.

"receptacle" means any approved garbage receptacle, approved green waste receptacle and 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 and motorised bicycle with a maximum capacity of 22 watt aggregate power.

"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 a recyclables receptacle supplied by Council for the purpose of disposing of recyclables.

"refuse facility" means a container 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 parking area" means a parking area in which lawful parking is restricted, whether for the whole or part of a day, to residents of a particular area.

"residential parking permit" means a permit authorising a person to park in a residential parking area.

"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*.

"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.

"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 container for the deposit of trade waste that is ordinarily emptied by mechanical means.

"vehicle" has the meaning ascribed to it by section 3(1) of the *Road Safety Act 1986*.

"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.

9 Notes in this Local Law

- 9.1 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.

10 What Council may do

- 10.1 Council may:
 - 10.1.1 restrict access to Council land or part of it;
 - 10.1.2 authorise any person to occupy Council land;
 - 10.1.3 close any Council land or part of it to the public;
 - 10.1.4 establish conditions of entry to Council land;
 - 10.1.5 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;
 - 10.1.6 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
 - 10.1.7 authorise a person to do any one or more of the things described in this clause 10.1.
- 10.2 Council, an authorised officer or any other person authorised by Council, may from time to time establish:
 - 10.2.1 conditions applying to and fees or charges for admission to or the hire or use of Council land or part of Council land; and
 - 10.2.2 conditions applying to and fees or charges for the hire or use of any property of Council in connection with Council land.
- 10.3 In exercising the powers conferred by clause 10.2, Council, an authorised officer or any other person authorised by Council may determine conditions applying to and fees and charges for admission to or the use of Council land:
 - 10.3.1 on multiple occasions;
 - 10.3.2 over a period of time; or
 - 10.3.3 on any other basis that it considers, or they consider, appropriate.

11 What a person cannot do

- 11.1 A person must not, without the consent of Council or an authorised officer:
 - 11.1.1 act contrary to any conditions of entry applicable to Council land;
 - 11.1.2 enter Council land without paying any fee or charge applicable to that Council land or the hire or use of the Council land;

- 11.1.3 hire or use any Council property in connection with Council land without first paying any fee or charge which is applicable;
- 11.1.4 remain on Council land after being directed to leave by an authorised officer; or
- 11.1.5 enter Council land, after having been directed to leave that Council land by an authorised officer, until they are granted written permission to do so by Council or an authorised officer.

Penalty: 10 Penalty Units

12 Behaviour on Council land

- 12.1 A person must not:
 - 12.1.1 commit any nuisance on Council land;
 - 12.1.2 interfere with another person's use and enjoyment of Council land;
 - 12.1.3 act in a manner which endangers any other person on Council land;
 - 12.1.4 use indecent, insulting, offensive or abusive language on Council land;
 - 12.1.5 behave in an indecent, offensive, insulting or riotous manner on Council land;
 - 12.1.6 without the consent of Council or an authorised officer:
 - (a) destroy, damage, interfere with or deface Council land;
 - (b) destroy, damage, interfere with or deface anything located at or on Council land; or
 - (c) remove any object which is owned by Council from Council land;
 - 12.1.7 act in a manner contrary to any restriction or prohibition contained in the inscription on a sign on Council land;
 - 12.1.8 without the consent of Council or an authorised officer, conduct any filming for commercial purposes on Council land;
 - 12.1.9 without the consent of Council or an authorised officer, sell any goods or services on Council land;
 - 12.1.10 without the consent of Council or an authorised officer, erect, operate or cause to be erected or operated any amusement on Council land;
 - 12.1.11 obstruct, hinder or interfere with any member of staff of Council in the performance of their duties on Council land;
 - 12.1.12 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 the Council land, whether or not a fee for admission to the Council land has been paid;
 - 12.1.13 use or interfere with any life saving or emergency device located on Council land, unless:

- (a) using the device in an emergency; or
 - (b) participating in an instruction approved by Council or an authorised officer;
- 12.1.14 organise any function or event on Council land without the consent of Council or an authorised officer; or
- 12.1.15 bring onto Council land any substance, liquid or powder which may:
- (a) be dangerous or injurious to health;
 - (b) have the potential to foul, pollute or soil any part of the Council land; or
 - (c) cause discomfort to any person
- without the consent of Council or an authorised officer.

Penalty: 10 Penalty Units

13 Access to Municipal Places

- 13.1 Council or an authorised officer may determine the hours when any Municipal Place will be open to the public.
- 13.2 A person must not, without the consent of Council or an authorised officer:
- 13.2.1 enter a Municipal Place other than through an entrance provided for that purpose;
 - 13.2.2 enter or remain in a Municipal Place during hours when the Municipal Place is not open to the public;
 - 13.2.3 bring any animal into, or allow any animal under their control to remain in, a Municipal Place without the consent of Council or an authorised officer, except for an assistance dog being used by that person; or
 - 13.2.4 bring any vehicle or wheeled toy into a Municipal Place without the consent of Council or an authorised officer, except for:
 - (a) a pram or pusher being used by a child; or
 - (b) a wheelchair being used by a person who is reliant on it for mobility.

Penalty: 10 Penalty Units

14 Activities Prohibited in Reserves

- 14.1 In a reserve, a person must not:
- 14.1.1 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;
 - 14.1.2 climb or jump on any wall, fence, gate, seat or other structure;
 - 14.1.3 intentionally roll or throw any stone or missile so as to endanger any person or cause any damage;

- 14.1.4 spit on or otherwise foul any path or structure;
- 14.1.5 use any children's playground equipment other than for the purpose for which it is provided;
- 14.1.6 swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;
- 14.1.7 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 fountain;
- 14.1.8 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:
 - (a) dangerous to any other person in the reserve; or
 - (b) likely to interfere with the reasonable use or enjoyment of the reserve by any other person; or
- 14.1.9 play or practise golf other than in a reserve designated or set aside as a golf course.

Penalty: 10 Penalty Units

15 Activities which may be permitted in Reserves

- 15.1 In a reserve, a person must not, without a permit:
 - 15.1.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane);
 - 15.1.2 ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the reserve by another person;
 - 15.1.3 light a fire or permit any fire to remain alight except:
 - (a) a barbecue provided by Council; or
 - (b) a portable liquid petroleum gas barbecue;
 - 15.1.4 camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
 - 15.1.5 conduct or celebrate a wedding;
 - 15.1.6 organise, hold or participate in any rally, procession, demonstration or any other public gathering;
 - 15.1.7 hold a circus or carnival;
 - 15.1.8 make a collection of money;
 - 15.1.9 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;
 - 15.1.10 use an amplifier;
 - 15.1.11 walk on any plot, bed, border or any other area set aside for vegetation;

15.1.12 conduct any fitness training for commercial purposes; or

15.1.13 play, organise or engage in any organised competitive sport or game.

Penalty: 10 Penalty Units

16 Public Libraries

16.1 Council or a public library manager may:

16.1.1 establish conditions of membership for any public library; and

16.1.2 set fees or charges in connection with the use of any public library.

16.2 A person:

16.2.1 who is a member of a public library must comply with any conditions of membership which have been established under clause 16.1.1 and which are applicable to them;

16.2.2 must pay any fee or charge set under clause 16.1.2 which is applicable to them;

16.2.3 must:

- (a) 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 similar item in their possession;
- (b) 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;
- (c) 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
- (d) 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.

Penalty: 5 Penalty Units

**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.

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

17.1 A person must not:

17.1.1 without a permit, destroy, damage or tap into any drain, culvert or sewer vested in Council;

Penalty: 20 Penalty Units

17.1.2 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

Penalty: 20 Penalty Units

17.1.3 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:

(a) fall into disrepair; or

(b) develop a condition which is dangerous to health.

Penalty: 20 Penalty Units

18 Interference with Watercourse

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

Penalty: 10 Penalty Units

19 Constructing Vehicle Crossings

19.1 A person must not, without a permit, construct, remove or relocate any temporary or permanent vehicle crossing.

Penalty: 20 Penalty Units

19.2 Each owner and occupier of land must not, without a permit:

19.2.1 construct or allow to be constructed; or

19.2.2 use or allow to be used

a second or subsequent vehicle crossing to service the land.

Penalty: 20 Penalty Units

20 Maintaining Vehicle Crossings

- 20.1 Each owner and occupier of land must maintain and keep in good condition any vehicle crossing which services that land.

Penalty: 10 Penalty Units

21 Directing Vehicle Crossing Works

- 21.1 Council or an authorised officer may direct:

- 21.1.1 the construction of a temporary or permanent vehicle crossing;
- 21.1.2 the repair or reconstruction of a vehicle crossing; and
- 21.1.3 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 the owner's or occupier's cost.

- 21.2 Each owner or occupier of land to whom a direction has been given under this clause 21 must comply with that direction by applying for a permit to do the thing which is directed.

Penalty: 10 Penalty Units

22 Asset Protection

- 22.1 The:

- 22.1.1 owner of any land;
- 22.1.2 builder engaged to carry out building work on land;
- 22.1.3 appointed agent; and
- 22.1.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,

must:

- 22.1.5 obtain an Asset Protection Permit before carrying out the building work; or allowing the building work to be carried out on that land; and
- 22.1.6 not carry out or allow to be carried out any building work on that land unless an Asset Protection Permit has been obtained.

Penalty: 20 Penalty Units

- 22.2 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.
- 22.3 An Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.
- 22.4 An Asset Protection Permit may be subject to such conditions as Council determines, including conditions:

- 22.4.1 requiring protection works to be done;
- 22.4.2 requiring the payment of a security bond;
- 22.4.3 requiring that any or all public assets and infrastructure damage be repaired, replaced or re-instated within a specified time and to the satisfaction of Council; and
- 22.4.4 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.

22.5 A person who is not one of the persons described in clause 22.1 must not:

- 22.5.1 carry out building work on land unless, in respect of the building work, an Asset Protection Permit has been obtained; or
- 22.5.2 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.

Penalty: 10 Penalty Units

22.6 The:

- 22.6.1 owner of any land on which building work is being or is to be carried out;
 - 22.6.2 builder engaged to carry out building work on land;
 - 22.6.3 appointed agent;
 - 22.6.4 driver of any vehicle involved in placing or removing a refuse facility on land; and
 - 22.6.5 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,
- must, in respect of the building work, ensure that:
- 22.6.6 entry takes place only across a temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission, and
 - 22.6.7 no materials are deposited on any part of a road or Council land without the approval of Council.

Penalty: 20 Penalty Units

22.7 Regardless of whether a building permit has been issued, the:

- 22.7.1 owner of any land on which building work is being or is to be carried out;
- 22.7.2 builder engaged to carry out building work on land;
- 22.7.3 appointed agent; and
- 22.7.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,

must:

- 22.7.5 notify Council in writing of the proposed building work at least seven (7) days before the building work commences; and
- 22.7.6 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.

Penalty: 20 Penalty Units

- 22.8 If the owner, builder or appointed agent or, in the case of building work involving demolition, the demolition contractor, fails to give written notice in accordance with clause 22.7, it will 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.
- 22.9 The owner, builder and appointed agent and, in the case of building work involving demolition, the demolition contractor, 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.

Penalty: 20 Penalty Units

- 22.10 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.
- 22.11 Upon completion of the building work, the amount of the security bond:
 - 22.11.1 may be retained by Council to offset the costs of carrying out any works in accordance with the Act and this Local Law;
 - 22.11.2 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
 - 22.11.3 must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with the Act and 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.
- 22.12 Where Council so determines, it may agree to accept an alternative form of security to a security bond.

23 Building Sites Generally

- 23.1 Council or an authorised officer may inspect a building site at any reasonable time.
- 23.2 If Council or an authorised officer identifies any damage which appears to result from non-compliance with this Local Law, an authorised officer:

23.2.1 may direct the responsible party to reinstate the damage within a specified time; and

23.2.2 must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable timeframe.

23.3 A responsible party must comply with any direction given under clause 23.2.

Penalty: 20 Penalty Units

23.4 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, the appointed agent and, in the case of building work which involves demolition, the demolition contractor engaged to demolish a structure on the land, 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 in accordance with currently accepted best practice, by adopting measures to:

23.4.1 minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and

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

Penalty: 20 Penalty Units

23.5 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 and the appointed agent must:

23.5.1 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;

23.5.2 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 duration of the building work;

23.5.3 not place the refuse facility on any Council land or road without a permit;

23.5.4 not deposit any builder's refuse in or over any part of the stormwater system; and

23.5.5 empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

Penalty: 20 Penalty Units

23.6 On any land where building work is being, or has been, carried out, the:

23.6.1 owner of the land on which the building work is being or has been carried out;

23.6.2 builder engaged to carry out the building work; and

23.6.3 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 building work or the issue of an occupancy permit, whichever occurs last.

Penalty: 20 Penalty Units

23.7 The:

23.7.1 owner of the land on which the building work is being or is to be carried out;

23.7.2 builder engaged to carry out the building work; and

23.7.3 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 sewerated 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.

Penalty: 20 Penalty Units

23.8 No liability will arise under clause 23.7 if:

23.8.1 a building is being constructed on an adjacent building site simultaneously by the same person; and

23.8.2 Council allows and there is provided one (1) sewerated toilet system or a fresh water flush with waste seal type portable toilet (closed) system serviced as required for three (3) building sites.

23.9 An authorised officer may enter any building site at any reasonable time for the purpose of inspecting any sewerated toilet, portable toilet (closed) systems, urinal, pan, refuse facility, trade waste hopper, vehicle, plant or other thing placed on it, for the purpose of carrying out the provisions of this Local Law.

23.10 The:

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

23.10.2 builder engaged to carry out the building work; and

23.10.3 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 1.5 metres high and is to the satisfaction of Council.

Penalty: 20 Penalty Units

24 Works on Council Land and Roads

24.1 Where works are carried out on Council land or a road:

24.1.1 the person causing the works to be carried out;

24.1.2 the person carrying out the works; and

24.1.3 any appointed agent

must ensure that:

- 24.1.4 those works are carried out safely;
- 24.1.5 adequate pedestrian and traffic control devices are installed and maintained during the course of the works; and
- 24.1.6 any pedestrian or traffic control device which is being used in connection with the works complies with the applicable Australian Standard and any directions issued by Council or an authorised officer.

Penalty: 20 Penalty Units

25 Damaging Council Land or Roads

- 25.1 A person must not, without a permit:
 - 25.1.1 destroy, damage or interfere with any Council land or any road or thing on Council land or any road;
 - 25.1.2 place or allow to be placed any thing on Council land or any road so as to endanger any other person or any property;
 - 25.1.3 remove any thing from Council land or any road;
 - 25.1.4 light a fire on any Council land or any road, except in a properly constructed barbecue; or
 - 25.1.5 discharge or cause or allow to be discharged any fireworks from Council land.

Penalty: 20 Penalty Units

- 25.2 Clause 25.1 does not apply to a person employed or engaged by Council while acting in the course of their duties.

26 Recreational Vehicles

- 26.1 A person must not, without a permit:
 - 26.1.1 use; or
 - 26.1.2 allow a person under his or her care or control to use a recreational vehicle on any Council land.

Penalty: 10 Penalty Units

27 Fences Between Private and Council Land

- 27.1 An owner and 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 their land and the adjoining Council land.

Penalty: 10 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, if left uncontrolled, have the potential to detract from the natural environment.

28 Unsightly land

28.1 Unless permitted under a Planning Scheme applicable to the land, an owner and 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:

28.1.1 unsightly;

28.1.2 dangerous; or

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

Penalty: 20 Penalty Units

28.2 Without limiting the generality of clause 28.1, land may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:

28.2.1 unconstrained rubbish;

28.2.2 dead trees and/or excessive growth of vegetation;

28.2.3 waste material;

28.2.4 more than three unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles;

28.2.5 machinery or vehicle parts which has or have been stored on the land for more than 60 days in one calendar year and the appearance of which is detrimental to the appearance of the surrounding area;

28.2.6 flammable material or any solid or liquid likely to assist the spread of fire or constitute a fire hazard;

28.2.7 scrap metal;

28.2.8 a disused excavation; or

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

28.3 Each owner and occupier of land must maintain the land by:

28.3.1 mowing;

28.3.2 slashing; or

28.3.3 otherwise removing all overgrown grass and weeds

so as to give the land an overall appearance of neatness.

Penalty: 15 Penalty Units

29 Nature strips

29.1 An owner and occupier of land must ensure that the nature strip adjacent to or otherwise referable to that land:

29.1.1 is maintained in a neat and tidy condition; and

29.1.2 does not contain grass, stubble, scrub or undergrowth exceeding 30 centimetres in height.

Penalty: 10 Penalty Units

30 Shipping containers

30.1 An owner and occupier of land must not, without a permit, keep any bulk shipping container on that land.

Penalty: 10 Penalty Units

31 Old, Used or Second Hand Machinery, Materials, Goods and Vehicles

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

31.1.1 use any land for the storage, assembly or dismantling of any old, used or second hand:

(a) machinery;

(b) materials; or

(c) goods; or

31.1.2 use any land for the storage, assembling or dismantling of any old or second hand vehicles.

Penalty: 10 Penalty Units

32 Permitting Camping

32.1 Unless permitted under a Planning Scheme applicable to the land, the owner and occupier of any land in a Residential Area must not, without a permit, allow any person to:

32.1.1 occupy; or

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

any

32.1.3 caravan;

32.1.4 tent; or

32.1.5 like structure

on that land.

Penalty: 10 Penalty Units

33 Camping

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

33.1.1 occupy; or

33.1.2 cause to be occupied;

any

33.1.3 caravan;

33.1.4 tent; or

33.1.5 like structure

on any land for a period longer than three (3) weeks in any calendar year.

Penalty: 10 Penalty Units

34 Caravans

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

34.1.1 without a permit:

(a) place;

(b) cause to be placed; or

(c) permit to be placed

more than one (1) caravan on any land in a Residential Area; or

34.2 place or cause or permit to be placed a caravan on any land in a Residential Area unless the placement is to the satisfaction of an authorised officer.

Penalty: 10 Penalty Units

35 Camping on roads or Council land

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

35.1.1 camp; or

35.1.2 erect, place or occupy a:

(a) caravan;

(b) tent; or

- (c) similar structure

on a road, Council land or public place.

Penalty: 10 Penalty Units

36 Vegetation

36.1 The owner and occupier of any land must not permit any vegetation located on the land to grow in a manner that obstructs the clear view:

36.1.1 by a driver, of any:

- (a) pedestrian;
- (b) vehicle;
- (c) street sign; or
- (d) traffic control item; or

36.1.2 by a pedestrian, of any:

- (a) vehicle;
- (b) street sign; or
- (c) traffic control item.

Penalty: 10 Penalty Units

37 Overhanging and Encroaching Vegetation

37.1 An owner and occupier of any land must not permit vegetation on that land to:

37.1.1 overhang a road or Council land at a height of less than 2.5 metres from the surface of the road or Council land; or

37.1.2 encroach upon any adjacent road or Council land.

Penalty: 10 Penalty Units

38 Vermin and Blackberries

38.1 An owner an occupier of land must not allow any vermin or blackberry (*rubus fruticosus* agg.) to be present on the land.

Penalty: 10 Penalty Units

39 Prevention of Fire Risks

39.1 The owner and occupier of any land must not permit the land to contain any thing which constitutes or is likely to constitute a fire hazard or a source of fuel for a fire.

Penalty: 20 Penalty Units

40 Numbering of Allotments

40.1 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.

40.2 The owner and occupier of an allotment to which a number has been allotted by Council or an authorised officer must mark the allotment with the number:

40.2.1 in a form;

40.2.2 of sufficient size; and

40.2.3 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.

Penalty: 5 Penalty Units

40.3 The owner and occupier of an allotment must ensure that all numbers marking the allotment are:

40.3.1 made of durable materials;

40.3.2 kept in a good state of repair; and

40.3.3 renewed as often as may be necessary.

Penalty: 5 Penalty Units

41 Fires

41.1 A person must not, without a permit:

41.1.1 light;

41.1.2 allow to be lit; or

41.1.3 allow to remain alight

a fire in the open air.

Penalty: 10 Penalty Units

42 Incinerators

42.1 A person must not:

42.1.1 construct;

42.1.2 erect;

42.1.3 install;

42.1.4 use; or

42.1.5 permit to be constructed, erected, installed or used
an incinerator on any land.

Penalty: 15 Penalty Units

43 Extinguishing Fires

43.1 A person who has lit or allowed a fire to remain alight contrary to clause 41 must extinguish the fire immediately on being directed to do so by:

43.1.1 an authorised officer;

43.1.2 a member of the Victoria Police; or

43.1.3 an employee of the Metropolitan Fire and Emergency Services Board.

Penalty: 20 Penalty Units

43.2 Nothing in clause 41 or 42 (inclusive) applies to:

43.2.1 a barbeque, pizza oven or other appliance constructed for the purposes of cooking food while it is being used for that purposes;

43.2.2 a fire in a brazier, chimenea or other appliance constructed for the purposes of heating while it is being used for that purposes;

43.2.3 a tool of trade while being used for the purpose for which it was designed;

43.2.4 a fire lit by a member of staff of the Melbourne Fire and Emergency Services Board in the course of their duties;

43.2.5 an incinerator licensed under the *Environment Protection Act 2017*; or

43.2.6 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.

44 Dilapidated Buildings

44.1 The owner, the occupier and the property manager of land must not permit a building located on the land to:

44.1.1 become dilapidated;

44.1.2 become further dilapidated;

44.1.3 become derelict;

44.1.4 be in a state of disrepair;

44.1.5 become damaged or defaced;

44.1.6 adversely affect the amenity of the surrounding neighbourhood; or

44.1.7 be left unsecured so as not to prevent unauthorised entry.

Penalty: 20 Penalty Units

- 44.2 The owner, the occupier and the property manager of land must maintain any building on the land in a state of good repair.

Penalty: 20 Penalty Units

- 44.3 The owner, the occupier and the property manager of land on which there is a vacant or derelict building/s must take all reasonable steps to secure the land from unauthorised access.

Penalty: 20 Penalty Units

- 44.4 Without limiting the generality of clause 44.1, a building may be kept in a manner that offends clause 44.1 if the building is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, or misuse.

**PART 5
ROAD 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.

45 Dog Excrement

45.1 A person:

45.1.1 must not permit excrement of a dog under their care or control to remain on a road or Council land; and

45.1.2 who is in charge or control of a dog on a road or Council land must have in their possession a bag for the purpose of removing from the road or Council land any excrement from that dog deposited on the road or Council land.

Penalty: 10 Penalty Units

46 Spitting

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

Penalty: 10 Penalty Units

47 Shopping Trolleys

47.1 A person must not leave a shopping trolley:

47.1.1 on a road;

47.1.2 on Council land; or

47.1.3 in a car park vested in Council

except in an area designated by Council for the leaving of shopping trolleys.

Penalty: 10 Penalty Units

47.2 Subject to clause 47.3, a retailer must not make available for use or allow to be used a shopping trolley which:

47.2.1 does not have a fully functioning coin deposit and release mechanism attached to it; or

47.2.2 is not secured to the retailer's premises by a perimeter constraint system approved by Council.

Penalty: 20 Penalty Units

47.3 Clause 47.2 does not apply when a retailer makes available for use, or allows to be used, 25 shopping trolleys or less.

47.4 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.

- 47.5 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:
- 47.5.1 the period within which the shopping trolley must be claimed;
 - 47.5.2 that unclaimed shopping trolleys may be disposed of by Council after the period; and
 - 47.5.3 that it is an offence for a retailer to not claim an impounded shopping trolley.
- 47.6 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).
- 47.7 Any impounded shopping trolley not claimed within the time specified in the list of impounded shopping trolleys referred to in clause 47.5 may be disposed of by Council.
- 47.8 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.

Penalty: 10 Penalty Units

48 Signs, Goods and Street Trading Items

- 48.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:
- 48.1.1 display or permit to be displayed any goods on a road or Council land;
 - 48.1.2 place or allow to be placed an advertising sign on a road or Council land; or
 - 48.1.3 place or allow to be placed any table, chair, barrier or other street trading item on a road or Council land.

Penalty: 20 Penalty Units

- 48.2 An advertising sign must not contain any offensive or inappropriate content.

Penalty: 20 Penalty Units

- 48.3 In deciding whether to grant a permit under clause 48.1, Council may have regard to:
- 48.3.1 the effect on pedestrian traffic flows and safety;
 - 48.3.2 the impact on the appearance of the road or Council land and its surroundings;
 - 48.3.3 the impact on residential amenity;
 - 48.3.4 the duration of the use;
 - 48.3.5 the effect on vehicular traffic flows and safety;
 - 48.3.6 compatibility with other uses of the road or Council land;

48.3.7 whether it is complementary to the primary adjoining use;

48.3.8 whether it is less intensive than the primary adjoining use;

48.3.9 the applicant's previous record of compliance;

48.3.10 any relevant policies of Council; and

48.3.11 any other matter relevant to the application.

48.4 A person who has placed or displayed, or permitted to be placed or displayed, goods, an advertising sign, a table, chair, barrier or other item on a road or Council land, whether with or without a permit issued under clause 48.1, must move or remove them or it if directed to do so by:

48.4.1 an authorised officer; or

48.4.2 a member of staff of a Service Authority.

Penalty: 20 Penalty Units

49 Obstructions on Roads

49.1 A person must not, without a permit:

49.1.1 leave or permit to be left any:

(a) bulk rubbish container on a road or Council land; or

(b) 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

49.1.2 leave or permit to be left on a road or Council land any donation bin.

Penalty: 20 Penalty Units

49.2 Any person who is concerned with or takes part in the management of a business which supplies a bulk rubbish container or other thing which is left on or obstructs the free use of a road in contravention of clause 49.1 is also guilty of an offence.

49.3 A person may be found guilty of an offence against cl 49.2 whether or not any other person is found guilty of or prosecuted for the offence.

50 Spoil on Roads

50.1 A person must not:

50.1.1 drive; or

50.1.2 permit or cause to be driven

a vehicle on a road if the vehicle is being or has been used directly or indirectly in:

50.1.3 the filling or excavation of any land; or

50.1.4 building work

unless the exterior of the vehicle is free from soil, earth and clay.

Penalty: 20 Penalty Units

- 50.2 Any person who is concerned with or takes part in the management of a business which supplies vehicles used directly or indirectly in the filling or excavation of any land or building work which are driven in contravention of clause 50.1 is also guilty of an offence.
- 50.3 A person may be found guilty of an offence against cl 50.2 whether or not any other person is found guilty of or prosecuted for the offence.

51 Occupation of Roads for Works

- 51.1 A person must not, without a permit:
- 51.1.1 occupy or fence off;
 - 51.1.2 erect a hoarding or scaffolding on;
 - 51.1.3 use a concrete pump, mobile crane or travel tower for any work on;
 - 51.1.4 make a hole or excavation in;
 - 51.1.5 fill a hole or excavation in; or
 - 51.1.6 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.

Penalty: 20 Penalty Units

- 51.2 Clause 51.1 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 has authorised the making of a hole or excavation in a road.

52 Repair and Display for Sale of Vehicles

- 52.1 A person must not:
- 52.1.1 paint a vehicle on a road or Council land;
 - 52.1.2 service a vehicle on a road or Council land;
 - 52.1.3 carry out maintenance on a vehicle on a road or Council land;
 - 52.1.4 repair or dismantle a vehicle on a road or Council land except in an emergency breakdown to enable it to be removed; or
 - 52.1.5 display for sale a vehicle on a road or Council land.

Penalty: 20 Penalty Units

53 Storage of Vehicles

- 53.1 A person must not, without a permit, store on any road or Council land a:

53.1.1 boat;

53.1.2 trailer;

53.1.3 caravan; or

53.1.4 vehicle, whether registered or not, which is in a dilapidated state

for more than seven (7) consecutive days or for more than eight (8) days in any period of 14 days.

Penalty: 20 Penalty Units

54 Consumption of Alcohol

54.1 A person must not:

54.1.1 consume any alcohol; or

54.1.2 have in their possession any unsealed container of alcohol

in any place which Council declares from time to time by resolution to be a prohibited place for the purpose of this clause 54.

Penalty: 10 Penalty Units

55 Wheeled Toys

55.1 A person must not:

55.1.1 use; or

55.1.2 allow a person under their care, custody or control to use

a wheeled toy on any Council land or part of Council land which Council declares from time to time by resolution to be a prohibited place for the purpose of this clause 55.

Penalty: 10 Penalty Units

PART 6
SALE OF GOODS, 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.

56 Persons Selling Goods

56.1 A person must not, without a permit, sell or allow to be sold, any goods on, or within, a road or Council land.

Penalty: 10 Penalty Units

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

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

56.2.2 sell goods from a tent or a temporary structure or building erected in contravention of clause 56.2.1.

Penalty: 10 Penalty Units

57 Street Collection

57.1 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.

Penalty: 10 Penalty Units

58 Unsolicited Material

58.1 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.

Penalty: 10 Penalty Units

59 Busking

59.1 A person must not, without a permit, busk on any:

59.1.1 road; or

59.1.2 Council land

with the object, or apparent object, of collecting money.

Penalty: 10 Penalty Units

60 Street Parties

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

Penalty: 10 Penalty Units

**PART 7
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.

61 Application of this Part

61.1 This Part does not apply to any land:

61.1.1 on which a pet shop is located; or

61.1.2 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.

62 Keeping of Animals Generally

62.1 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 more of each species or group of animals than is stated in the following table:

Type of Animal	Maximum Allowed
Dogs	2
Cats	2
Poultry	5
Pigeons	10
Racing Pigeons	60
Rabbits	5
Guinea Pigs	8
Mice	8
Cold water and Tropical Gold Fish	unlimited

Penalty: 10 Penalty Units

62.2 Unless permitted under a Planning Scheme applicable to the land or an Act, a person must not, without a permit, keep an animal of a species not listed in the table in clause 62.1 on any land.

Penalty: 10 Penalty Units

63 Housing of Animals

63.1 Any structure used for housing an animal and the area within three (3) metres of such structure must be maintained:

63.1.1 in a clean, inoffensive and sanitary condition;

63.1.2 so as not to cause any nuisance; and

63.1.3 to the satisfaction of Council or an authorised officer.

Penalty: 10 Penalty Units

63.2 A structure used for housing an animal must not be attached to, or within one metre of, any fence or other structure designed to separate neighbouring properties.

Penalty: 10 Penalty Units

- 63.3 A person must not keep any poultry in a wire-mesh battery cage.

Penalty: 10 Penalty Units

64 Noise and Smell from Animals

- 64.1 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.

Penalty: 10 Penalty Units

65 Feeding of Animals

- 65.1 If the feeding of an uncaged animal by a person is causing a nuisance or may damage property, an authorised officer may direct the person to cease feeding the animal.
- 65.2 A person to whom a direction is given under clause 65.1 must comply with that direction.

Penalty: 10 Penalty Units

**PART 8
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.

66 Disposal of Disused Refrigerators and other Compartments

66.1 A person must not place:

66.1.1 a disused refrigerator;

66.1.2 an ice chest;

66.1.3 a chest; or

66.1.4 any other similar article

with a compartment having a capacity of 0.04 cubic metres or more upon any:

66.1.5 rubbish tip;

66.1.6 road;

66.1.7 Council land;

66.1.8 public place; or

66.1.9 unfenced vacant land.

unless:

66.1.10 in the case of a road, Council land or public place, it is a day designated on Council's website as a day for the collection of hard rubbish; and

66.1.11 in any event, they have first:

(a) removed from it every door and lid;

(b) removed from it every lock, catch and hinge attached to a door or lid; or

(c) otherwise rendered every door and lid incapable of being fastened.

Penalty: 10 Penalty Units

67 Resource Collection

67.1 The occupier of any land to which Council provides a:

67.1.1 domestic waste collection service must:

(a) 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;

- (b) not place out for collection by Council any domestic waste other than in an approved garbage receptacle designated for the deposit of domestic waste;
- (c) 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
- (d) not remove an approved garbage receptacle from any land except when it is placed out for collection;

67.1.2 green waste collection service must:

- (a) 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;
- (b) 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;
- (c) 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
- (d) not remove any approved green waste receptacle from any land, except when it is placed out for collection;

67.1.3 recycling collection service must:

- (a) 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;
- (b) not place out for collection by Council any recyclables other than in a recycling receptacle;
- (c) 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
- (d) not remove any recycling receptacle from any land, except when it is placed out for collection; and

67.1.4 commercial paper and cardboard collection service must:

- (a) 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;

- (b) 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;
- (c) 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
- (d) 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.

Penalty: 5 Penalty Units

- 67.2 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.

Penalty: 5 Penalty Units

- 67.3 Any receptacle placed out for collection by the occupier of any land must:

67.3.1 be placed:

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

67.3.2 be placed so that there is a minimum:

- (a) vertical distance of three (3) metres above the lid of the receptacle; and
- (b) 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;

67.3.3 be placed with the side of the receptacle on which hinges securing the lid are located positioned facing the land; and

67.3.4 be placed out for collection no earlier than 5pm on the day before the scheduled collection day for that approved receptacle.

Penalty: 5 Penalty Units

- 67.4 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.

Penalty: 5 Penalty Units

- 67.5 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.

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

- 67.8 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.

Penalty: 5 Penalty Units

- 67.9 The occupier of land must ensure that an approved garbage receptacle, an approved green waste receptacle and a recycling receptacle are 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.

Penalty: 5 Penalty Units

- 67.10 The occupier of any land must not:

67.10.1 use; or

67.10.2 allow to be used

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

Penalty: 5 Penalty Units

- 67.11 If any loss of, or damage to, a receptacle is due to the neglect or deliberate act of any person, that person must pay:

67.11.1 a fee determined by Council or an authorised officer from time to time for the replacement of the receptacle; or

67.11.2 such part of the fee set under clause 67.11.1 as Council or an authorised officer determines.

- 67.12 Once waste has been collected by or on behalf of Council, the occupier of any land must:

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

67.12.2 remove any waste from a road or any Council land which has spilled from the receptacle supplied to the land which they occupy.

Penalty: 5 Penalty Units

68 Hard Rubbish and Green Waste Collection

- 68.1 Where Council or an authorised officer has given public notice that a hard rubbish or green waste collection will be made, or where other arrangements are made by Council to collect hard rubbish or green waste, any hard rubbish or green waste to be collected must be left out for collection in a neat, tidy, safe and orderly manner and in accordance with Council's or the authorised officer's directions.

Penalty: 5 Penalty Units

- 68.2 A person must not place, or cause or allow to be placed, any item (other than a receptacle) on a nature strip or other part of a road, except for the purposes of a hard waste collection provided by Council and in accordance with clause 68.1.

Penalty: 5 Penalty Units

69 Interference with Waste

- 69.1 A person must not:
- 69.1.1 without the consent of the occupier, deposit waste or other matter in any receptacle supplied to any land on which they do not reside; or
 - 69.1.2 without the consent of Council or an authorised officer, remove or interfere with any waste placed out for collection in a receptacle or any hard rubbish left out for collection in accordance with clause 68.1.

Penalty: 5 Penalty Units

- 69.2 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 the receptacle or trade waste hopper is unsightly, dangerous or detrimental to the general amenity of the neighbourhood in which it is located.
- 69.3 An owner or occupier of land to whom a direction is given under clause 69.2 must comply with that direction.

Penalty: 10 Penalty Units

70 Suspension of Waste Collection Service

- 70.1 If an occupier of land:
- 70.1.1 has persistently contravened; or
 - 70.1.2 is persistently contravening
- any provision in this Part 8, Council may suspend the provision of any waste collection service to the land.
- 70.2 If Council suspends the provision of any waste collection service to land the suspension may be:
- 70.2.1 indefinite; or

70.2.2 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.

71 Street and Other Litter

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

Penalty: 10 Penalty Units

71.2 A person must not sweep or otherwise deposit any leaves, garden clippings or like things into any gutter or other part of a road.

Penalty: 5 Penalty Units

72 Transportation of Waste

72.1 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:

72.1.1 constructed;

72.1.2 fitted;

72.1.3 loaded; and

72.1.4 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.

Penalty: 10 Penalty Units

73 Storage of Trade Waste

73.1 The owner and 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.

Penalty: 10 Penalty Units

74 Storage Site for Trade Waste

74.1 If directed by Council or an authorised officer, the owner of any land must ensure that any area where a trade waste hopper is placed:

74.1.1 has an impermeable surface;

74.1.2 is drained to an outlet approved by Council or an authorised officer;

74.1.3 is supplied with water from a tap and hose; and

74.1.4 is maintained in a clean, inoffensive and sanitary condition.

Penalty: 10 Penalty Units

75 Waste Management at Accommodation

- 75.1 The owner and the property manager of accommodation must ensure that the waste services provided at the accommodation are adequate for the number of occupants of, and the amount and type of waste generated in, that accommodation.

Penalty: 10 Penalty Units

- 75.2 If adequate waste services are not provided under clause 75.1, Council or an authorised officer may direct the owner and the property manager in writing to prepare a Waste Management Plan for the accommodation and submit it to Council for approval.
- 75.3 The owner and the property manager of accommodation on private land to whom a direction is given under clause 75.2 must comply with that direction.

Penalty: 10 Penalty Units

- 75.4 Once a Waste Management Plan is approved in respect of accommodation, the owner and the property manager must comply with that Waste Management Plan, unless given a written exemption from compliance by Council or an authorised officer.

Penalty: 10 Penalty Units

- 75.5 Clauses 75.1, 75.2 75.3 and 75.4 do not apply to any accommodation where the delivery of waste services is regulated by:
- 75.5.1 conditions in a planning permit applicable to the accommodation;
 - 75.5.2 an existing Waste Management Plan approved by Council (other than a Waste Management Plan approved under this clause 75); or
 - 75.5.3 requirements of the *Public Health and Wellbeing Act 2008* and associated regulations.

76 Waste Management Plans

- 76.1 If directed by Council or an authorised officer, an owner and occupier of land used primarily for commercial purposes must:
- 76.1.1 prepare a Waste Management Plan and submit it to Council for approval; and
 - 76.1.2 not cause or allow any waste to be collected from the land other than in accordance with the Waste Management Plan approved by Council.

Penalty: 10 Penalty Units

**PART 9
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.

77 Impounding

- 77.1 An authorised officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
- 77.2 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.
- 77.3 An impounded thing must be surrendered to:
- 77.3.1 its owner; or
 - 77.3.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of their authority from the owner,
on
 - 77.3.3 evidence to the satisfaction of the authorised officer being provided of the owner's right to the thing; and
 - 77.3.4 payment of any fee determined by Council or an authorised officer from time to time.
- 77.4 Clauses 77.2 and 77.3 do 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.
- 77.5 If an impounded thing has not been surrendered 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:
- 77.5.1 sell;
 - 77.5.2 give away; or
 - 77.5.3 destroy
- the impounded thing.

78 Notices to Comply

- 78.1 Council or an authorised officer may, by serving a Notice to Comply, direct any owner, occupier or other person to remedy any thing which constitutes a breach of this Local Law.
- 78.2 A Notice to Comply issued under this Local Law must:

- 78.2.1 specify the thing in breach of the Local Law;
 - 78.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and
 - 78.2.3 state the time and date by which the thing must be remedied.
- 78.3 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:
- 78.3.1 the amount of work involved;
 - 78.3.2 the degree of difficulty;
 - 78.3.3 the availability of necessary materials or other necessary items;
 - 78.3.4 climatic conditions;
 - 78.3.5 the degree of risk or potential risk; and
 - 78.3.6 any other relevant matter.
- 78.4 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.

Penalty: 20 Penalty Units

- 78.5 Nothing in this Local Law
- 78.5.1 obliges Council or an authorised officer to serve a Notice to Comply; or
 - 78.5.2 precludes Council or an authorised officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

79 Permits

- 79.1 Council or an authorised officer may issue a permit under this Local Law with or without conditions, or may refuse to issue the same.
- 79.2 Council or an authorised officer may from time to time prescribe:
- 79.2.1 the manner and form in which applications for permits under this Local Law should be made;
 - 79.2.2 the manner in which any permit under this Local Law should be issued; and
 - 79.2.3 the fee for any such permit.
- 79.3 Council or an authorised officer may waive payment of any fee for a permit.
- 79.4 Council must keep a register of permits.
- 79.5 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 the authorised officer.

79.6 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.

79.7 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.

80 Considering Applications

80.1 In considering an application for a permit, Council or an authorised officer may consider any:

80.1.1 policy or guideline adopted by Council relating to the subject matter of the application for the permit;

80.1.2 submission that may be received in respect of the application;

80.1.3 comments that may be made in respect of the application by any public body, community organisation or other person; and

80.1.4 other relevant matter.

81 Correction of Permits

81.1 Council or an authorised officer may correct a permit issued if the permit contains:

81.1.1 a clerical mistake or an error arising from any accident, slip or omission; or

81.1.2 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.

81.2 Council or the authorised officer must note the correction in the register of permits kept under clause 79.4.

82 Grounds for Cancellation of or Amendment of Permits

82.1 Council or an authorised officer may cancel or amend any permit if there has been:

82.1.1 a material mis-statement or concealment of fact(s) in relation to the application for a permit;

82.1.2 any material mistake in relation to the issue of the permit;

82.1.3 any material change of circumstances which has occurred since the issue of the permit;

82.1.4 a failure to comply with the conditions under which the permit was issued; or

82.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.

82.2 Council or the authorised officer must notify the holder of the permit of the intention to amend or cancel the permit and give the holder of the permit an opportunity to make a written submission before the permit is amended or cancelled.

82.3 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 kept under clause 79.4.

83 Exemption

83.1 Council or an authorised officer may exempt a person or a class of persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.

83.2 Any exemption:

83.2.1 must be in writing; and

83.2.2 may be subject to conditions.

84 Urgent Circumstances

84.1 If:

84.1.1 a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued;

84.1.2 the breach threatens a person's or an animal's life or health, any property or the natural environment; and

84.1.3 the circumstances are sufficiently urgent and the time necessary to serve and ensure compliance with a Notice to Comply may exacerbate that threat,

an authorised officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:

84.1.4 the reasons for taking the action; and

84.1.5 the action taken

to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

85 Offences

85.1 A person who:

85.1.1 contravenes or fails to comply with any provision of this Local Law;

85.1.2 contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or

85.1.3 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 the penalty stated under the provision that is contravened or, if no penalty is stated, five (5) penalty units.

85.2 Where a person is found guilty of an offence under this Local Law they will be liable to:

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

85.2.2 upon being found guilty of a second or subsequent offence, a penalty that is double the penalty stated under the provision that is contravened or 20 penalty units, whichever is the lesser.

86 Infringement Notices

86.1 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.

86.2 The penalties fixed for Infringement Notices are set out in Schedule 1.

86.3 If no penalty for an Infringement Notice is stated in Schedule 1, the penalty is two (2) penalty units.

86.4 Any person issued with an Infringement Notice may pay the penalty in the manner stated on the Infringement Notice.

87 Requirement to Act Fairly and Reasonably

87.1 In exercising any power under this Local Law, Council and an authorised officer must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.

88 Delegation

88.1 Pursuant to section 78 of the Act, Council:

88.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and

88.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

This Local Law was made by resolution of Council at a meeting held on [##INSERT DATE].

THE COMMON SEAL of MONASH CITY COUNCIL

was hereto affixed in the presence of :

.....
.....

Schedule 1

CLAUSE	PENALTY FOR INFRINGEMENT NOTICE (IN PENALTY UNITS)
11.1, 12.1, 13.2, 14.1, 15.1, 18.1, 20.1, 21.2, , 22.7, 26.1, 27.1, 29.1, 32.1, 33.1, 34.1, 34.2, 35.1, 38.1, 45.1, 46.1, 54.1, 55.1, 62.1, 62.2, 63.1, 63.2, 63.3, 64.1, 65.2, 66.1, 72.1, 73.1, 74.1, 75.1, 75.3, 75.4, 76	1
16.2, 40.2, 40.3, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9, 67.10, 67.12, 68.1, 68.2, 69.1, 69.3, 71.1, 71.2	0.5
17.1, 19.1, 19.2, 22.1, 22.5, 22.6, 22.9, 23.3, 23.4, 23.5, 23.6, 23.7, 23.10, 24.1, 25.1, 28.1, 28.3, 39.1, 43.1, 44.1, 44.2, 44.3, 48.1, 48.2, 48.4, 49.1, 50.1, 51.1, 52.1, 53.1, 78.4	2.5
28.1, 28.3, 41.1, 42.1	1.5
30.1, 31.1, 36.1, 37.1, 47.1, 47.2, 47.8, 56.1, 56.2, 57.1, 58.1, 59.1, 60.1	1.25

Changes that must be made - Conflict with other Act or Regulation	Rationale?
<p>Behaviour on Council Land Remove: 14.8 deposit any litter on Council land, except in a receptacle provided for that purpose</p>	<p>This has been removed because litter is addressed by the <i>Environment Protection Act 2017</i>.</p>
<p>Behaviour on Council Land Remove: A person must not: 14.9 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.</p>	<p>This has been removed because it is inconsistent with the <i>Equal Opportunity Act 2010</i> and the <i>Charter of Human Rights and Responsibilities Act 2006</i>.</p>
<p>Activities which may be permitted in Reserves 18. In a reserve, a person must not: 18.1 without a permit: Remove: 18.1.10 carry any firearm except a pistol intended and designed for use as sporting official's starting pistol;</p>	<p>This has been deleted because these matters are regulated by the <i>Firearms Act 1996</i> and this clause risks inconsistency. We are also inclined to think that these are matters for Victoria Police, and enforcement by Council's authorised officers would present an unreasonable and unnecessary risk to their health and safety</p>
<p>Remove Prohibition on Graffiti 61. A person must not: 61.1 write; 61.2 paint; or 61.3 draw any inscription, figure or mark on the exterior of any premises without the prior consent of the: 61.3.1 owner; or 61.3.2 occupier of the premises and for the purpose of affecting the visual amenity of the premises or the area in which they are located. Penalty: 10 Penalty Units</p>	<p>This has been deleted due to inconsistency with the <i>Graffiti Prevention Act 2007</i>, which sets out a comprehensive legislative framework for managing graffiti, including establishing offences and processes for requiring removal.</p> <p>The purpose of the Act is to reduce the incidence of graffiti by— (a) creating graffiti-related offences; (b) providing search and seizure powers for police officers; and (c) providing power for a Council to enter private property for the purpose of removing graffiti.</p> <p>The Act makes it an offence to mark graffiti without consent and mark graffiti that is offensive.</p>
<p>Remove: Noise Generally 75. A person: 75.1 must not allow a refrigeration unit mounted on a motor vehicle to run prior to: 75.1.1 7.00am or after 10.00pm on any day between Monday and Friday inclusive that is not a public holiday; or 75.1.2 9.00am or after 10.00pm on any Saturday, Sunday or public holiday; or 75.2 must not deliver any goods to or remove any goods from any: 75.2.1 shop; 75.2.2 market; 75.2.3 factory; 75.2.4 warehouse; 75.2.5 workshop; or 75.2.6 other premises used for commercial purposes in a Residential Area, premises adjacent to a Residential Area or premises from which any noise arising out of the delivery of goods can be heard from a habitable room in premises used primarily for residential purposes prior to: 75.2.7 7.00am or after 10.00pm on any day between Monday and Saturday inclusive that is not a public holiday; or 75.2.8 9.00am or after 10.00pm on any Sunday or public holiday; or 75.3 must not use any machine for or in connection with the: 75.3.1 mowing of grass; 75.3.2 the lopping or removal of trees; or 75.3.3 any other gardening activity prior to: 75.3.4 7.00am or after 6.00pm on any day between Monday and Saturday inclusive that is not a public holiday; or 75.3.5 9.00am or after 6.00pm on any Sunday or public holiday; if noise from the refrigeration unit, delivery or machine, as the case may be, can be heard in a habitable room of a residence, regardless of whether any door or window giving access to the habitable room is open. Penalty: 10 Penalty Units 76. Nothing in clause 75: 76.1 applies to any person who is carrying on a domestic waste collection service, green waste collection service, recycling collection service, paper and cardboard collection service or hard rubbish collection service authorised by Council; or 76.2 applies to a person to whom section 48A of the Environment Protection Act 1970 applies (including but not limited to a person who uses any machine for in connection with the mowing of grass, lopping or removal of trees or any other gardening activity on Residential Land which he or she occupies). Noise and Alarms 77. An owner or occupier of land must not: 77.1 install; 77.2 allow to be installed; or 77.3 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: 77.4 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 77.5 the alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset. Penalty: 10 Penalty Units 78. Notwithstanding clause 77, an intruder alarm may operate for a further period of five (5) minutes beyond the period described in clause 77.4 if the alarm is activated by a different detection device following the cessation of the alarm in accordance with clause 77.</p>	<p>This has been deleted due to inconsistency with the <i>Environment Protection Act 2017</i>, which provides a comprehensive regime for managing noise emitted from residential and non-residential premises. This leaves no space for regulation by Council.</p> <p>Council will be responsible for dealing with residential noise complaints while the Environment Protection Authority will be responsible for dealing with all other noise complaints.</p> <p>The Environment Protection Act 2017 (the Act) and the Environment Protection Regulations 2021 (the Regulations) change the way noise emissions are assessed and managed in Victoria.</p> <p>The Act introduces a duties-based framework, with the general environmental duty (GED) at its centre. The GED requires any person engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste to minimise those risks so far as reasonably practicable. Pollution can include the emission of noise.</p> <p>In addition to these GED obligations, under section 166 and section 168 of the Act respectively, a person must not emit, or permit the emission of, 'unreasonable noise' or noise prescribed to be 'aggravated noise' from a place or premises that are not residential premises.</p>
<p>Remove: Nuisances 81. A person must not: 81.1 burn; or</p>	<p>This has been deleted due to inconsistency with the <i>Environment Protection Act 2017</i> and the <i>Public Health and Wellbeing Act 2008</i>, which together provide a</p>

<p>81.2 cause or permit to be burned any substance, if the burning of the substance is likely to:</p> <p>81.3 cause a nuisance;</p> <p>81.4 be dangerous to the health of any person; or</p> <p>81.5 be offensive to any person.</p> <p>82. Without limiting the application of clause 81, a person must not:</p> <p>82.1 burn; or</p> <p>82.2 cause or permit to be burned any:</p> <p>82.3 rubber or plastic substance;</p> <p>82.4 waste petroleum oil or material containing waste petroleum oil;</p> <p>82.5 paint or receptacle which contains or has contained paint;</p> <p>82.6 manufactured chemical;</p> <p>82.7 pressured can;</p> <p>82.8 textile fabric; or</p> <p>82.9 food waste.</p>	<p>comprehensive regime for managing emissions from premises, including smoke, dust, ash and the like. This leaves no space for regulation by Council.</p> <p>Council will be responsible for dealing with complaints under the Public Health and Wellbeing Act 2008 while the Environment Protection Authority will be responsible for dealing with complaints under the Environment Protection Act 2017.</p> <p>Under the Public Health and Wellbeing Act 2008 Council has a duty to remedy as far as is reasonably possible all nuisances existing in its municipal district.</p>
<p>Remove:</p> <p>Building Work</p> <p>85. 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:</p> <p>85.1 before 7.00am or after 8.00pm on any day from Monday to Friday; or</p> <p>85.2 before 9.00am or after 8.00pm on a weekend or public holiday.</p> <p>86. Clause 85 does not apply to:</p> <p>86.1 any employee or agent of a permit holder;</p> <p>86.2 any building work being performed by or on behalf of Council;</p> <p>86.3 any building work which is subject to a permit issued under the Planning and Environment Act 1987, if that permit contains a condition which:</p> <p>86.3.1 restricts the times during which building work may be performed; and</p> <p>86.3.2 the condition is more restrictive than clause 85; or</p> <p>86.4 any person to whom section 48A of the Environment Protection Act 1970 applies.</p> <p>87. A person who carries out or allows to be carried out any building work must ensure that the building work is carried out such:</p> <p>87.1 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</p> <p>87.2 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</p>	<p>This has been deleted due to inconsistency with the Environment Protection Act 2017, which provides a comprehensive regime for managing noise emitted from residential and non-residential premises. This leaves no space for regulation by Council.</p> <p>Council will be responsible for dealing with residential noise complaints while the Environment Protection Authority will be responsible for dealing with all other noise complaints.</p>
<p>Remove:</p> <p>Parking of Vehicles</p> <p>117. The owner of a motor vehicle must not leave that motor vehicle standing in a parking area located on Council land:</p> <p>117.1 except in the manner indicated by the inscription on any sign associated with the parking area;</p> <p>117.2 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</p> <p>117.3 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.</p> <p>Residential Parking</p> <p>118. A person must not leave a motor vehicle standing in a residential parking area unless a residential parking permit is displayed under the windscreen of that motor vehicle.</p>	<p>This has been deleted because it duplicates, and is therefore inconsistent with, the Road Safety Road Rules 2017. Council's authorised officers are responsible for enforcing the Road Safety Road Rules 2017 and, as such, deleting this clause has no impact on Council's powers more broadly.</p>
<p>Remove:</p> <p>Certain Waste Only to be Collected During Certain Hours</p> <p>162. A person must not collect industrial, commercial or trade waste other than between the following hours:</p> <p>162.1 7am to 8pm Monday to Saturday; and</p> <p>162.2 9am to 8pm Sunday and public holidays.</p>	<p>This has been deleted due to inconsistency with the Environment Protection Act 2017, which provides a comprehensive regime for managing noise emitted from residential and non-residential premises. This leaves no space for regulation by Council.</p> <p>Council will be responsible for dealing with residential noise complaints while the Environment Protection Authority will be responsible for dealing with all other noise complaints.</p>
<p>Schedule 1</p> <p>Penalty For Infringement Notice (In Penalty Units)</p> <p>Change:</p> <p>1 Penalty Unit to .5 Penalty Unit</p> <p>2 Penalty Units to 1 Penalty Unit</p> <p>2.5 Penalty Units to 1.25 Penalty Units</p> <p>3 Penalty Units to 1.5 Penalty Units</p> <p>5 Penalty Units to 2.5 Penalty Units</p>	<p>The current Local Law, established under the Local Government Act 1989, set a single penalty unit at \$100. However, the Local Government Act 2020 aligns the Local Law penalty unit with the annual rate declared by the Treasurer under the Monetary Units Act 2004. For 2023/24, a penalty unit is \$192.31, with an anticipated increase to \$200 in 2024/25. This proposed amendment ensures consistency with existing fine amounts.</p>

Proposed Enhancements	Rationale
<p>New definition:</p> <p>"accommodation" means all forms of accommodation on private land where 4 or more people who are not family are accommodated.</p>	<p>This new definition compliments the proposed provision discussed below.</p>
<p>New definition:</p> <p>"property manager" means the person appointed by the owner of land or premises to manage that land or premises on their behalf.</p>	<p>This new definition compliments the proposed provision discussed below.</p>
<p>New Clause:</p> <p>75 Waste Management at Accommodation</p> <p>75.1 The owner and the property manager of accommodation must ensure that the waste services provided at the accommodation are adequate for the number of occupants of, and the amount and type of waste generated in, that accommodation.</p> <p>75.2 If adequate waste services are not provided under clause 75.1, Council or an authorised officer may direct the owner and the property manager in writing to prepare a Waste Management Plan for the accommodation and submit it to Council for approval.</p> <p>75.3 The owner and the property manager of accommodation on private land to whom a direction is given under clause 75.2 must comply with that direction.</p> <p style="text-align: center;">10 Penalty Units</p>	<p>In shared accommodations, waste management issues frequently arise due to insufficient bin capacity, resulting in bins being filled beyond capacity causing spillage. This provision makes it incumbent upon property owners and managers to ensure the supply of adequate bins to cater to the needs of the occupants. This clause applies to all shared properties where four or more unrelated people reside, not just rooming houses. Failure to comply may result in penalties.</p>

<p>75.4 Once a Waste Management Plan is approved in respect of accommodation, the owner and the property manager must comply with that Waste Management Plan, unless given a written exemption from compliance by Council or an authorised officer.</p> <p style="text-align: center;">Penalty: 10 Penalty Units</p> <p>75.5 Clauses 75.1 ,75.2, 75.3 and 75.4 do not apply to any accommodation where the delivery of waste services is regulated by:</p> <p>75.5.1 conditions in a planning permit applicable to the accommodation;</p> <p>75.5.2 an existing Waste Management Plan approved by Council (other than a Waste Management Plan approved under this clause 75); or</p> <p>75.5.3 requirements of the <i>Public Health and Wellbeing Act 2008</i> and associated regulations.</p>	
<p>Change definition from: "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.</p> <p>Change to: "builder" means a person who:</p> <p>(a) carries out building work; or</p> <p>(b) is not an owner of land on which the building work is carried out but who manages or arranges the carrying out of building work on that land.</p>	<p>This is an administrative change that provides greater clarity</p>
<p>Change definition from: "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.</p> <p>Change to: "building work" means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, and includes any changes to the natural or existing topography of land including excavation, landscaping, concreting, trenching, digging, filling, subdivision and road construction, whether by mechanical or manual methods, and the loading and unloading of any goods or materials for or in connection with any building work, but excludes minor building work.</p>	<p>The proposed definition is comprehensive, encompassing a variety of activities commonly linked to construction. It offers builders and officers clear guidelines on what can be reasonably classified as building works. This broad interpretation ensures all relevant activities are included within the scope of building works.</p>
<p>New Definition: "Council Asset" means any asset, item or thing located, in, on or under a road or Council land, including a structure, building, fixture, freestanding object, appliance, equipment, drain, tree, bridge, turf, cricket pitch, service channel, sign and hydrant that is not owned by another person or public body.</p>	<p>Council asset is not defined in the current local law and is now included to provide clarity. This definition is designed to be comprehensive, encompassing any asset, item, or thing located in, on, or under a road or Council land. This broad definition ensures that all potential assets under Council's ownership and control are accounted for, providing clear guidelines for asset protection and also compliments enforcement where a person has damaged a Council asset.</p>
<p>Change definition from: "charity bin" means any bin placed by or on behalf of any charitable or non-profit organization and dedicated to the collection of used clothing or small household items.</p> <p>Change to: "donation bin" means a receptacle located outdoors and placed, installed, displayed, operated, used, altered or maintained for the purpose of collecting donated items from the public, but does not include a receptacle located within a building or a receptacle owned or operated by Council.</p>	<p>The shift from "charity bin" to "donation bin" expands the definition to include all outdoor receptacles for public donations, not just those for charities. It excludes indoor and Council-operated bins, offering clear guidelines on the placement, ownership, and operation of these bins. This change fosters better regulation and adherence.</p>
<p>New definition: "event" means an organised recreational, cultural, commercial or social event or gathering of people.</p>	<p>The definition of "event" as an organized recreational, cultural, commercial, or social gathering aids in distinguishing between casual gatherings and formal events that require adherence to specific clauses associated with safety and amenity.</p>
<p>Change to pronouns. Throughout the Local law the words "his or her" have been replaced with "their" and the words "he or she" have been replaced with "they"</p>	<p>The change in pronouns from "his or her" and "he or she" to "their" and "they" respectively, promotes inclusivity and neutrality. It ensures the law applies to all individuals, regardless of gender identity, making the language more modern and non-discriminatory.</p>
<p>Resource Collection</p> <p>New clause: 67.3.4 Any receptacle placed out for collection by the occupier of any land must:</p> <p style="padding-left: 40px;">be placed out for collection no earlier than 5pm on the day before the scheduled collection day for that approved receptacle.</p>	<p>The current Local Law requires bins to be returned on collection day but doesn't specify when they can be left out. The new clause aims to address concerns about bins being left out for extended periods.</p>
<p>Works on Council Land and Roads</p> <p>Enhance the existing provision: 50. Where a person is required to undertake any works on Council land or a road that person must:</p> <p>50.1 undertake those works safely;</p> <p>50.2 provide and maintain pedestrian and traffic control devices during the course of the works; and</p> <p>50.3 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.</p> <p>By including this clause: 24.1 Where works are carried out on Council land or a road:</p> <p>24.1.1 the person causing the works to be carried out;</p> <p>24.1.2 the person carrying out the works; and</p> <p>24.1.3 any appointed agent</p> <p>must ensure that:</p> <p>24.1.4 those works are safely carried out;</p> <p>24.1.5 adequate pedestrian and traffic control devices are installed and maintained during the course of the works; and</p> <p>24.1.6 any pedestrian or traffic control device which is being used in connection with the works complies with the applicable Australian Standard and any directions issued by Council or an authorised officer.</p>	<p>The enhanced clause provides greater clarity and accountability. It specifies responsibilities not only for the person carrying out the works, but also for the person causing the works and any appointed agent. It ensures safety, adequate control devices, and compliance with Australian Standards and Council directions, thereby promoting better regulation and adherence.</p>
<p>Dilapidated Buildings</p> <p>Enhance the existing provision: 88. The owner or the occupier of any land must not permit a building located on the land to:</p> <p>88.1 become dilapidated; or</p> <p>88.2 become further dilapidated</p> <p>and must maintain any such building in a state of good repair.</p> <p>By including this clause: 44.1 The owner, the occupier and the property manager of land must not permit a building located on the land to:</p> <p>44.1.1 become dilapidated;</p> <p>44.1.2 become further dilapidated;</p> <p>44.1.3 become derelict;</p> <p>44.1.4 be in a state of disrepair;</p>	<p>The community is very vocal about their concerns and expectations around the upkeep of properties to maintain and enhance visual amenity. The revised clause extends the responsibility for building maintenance to owners, occupiers, and property managers. It covers a wider range of building conditions, including disrepair, damage, defacement, and impact on local amenity. It also emphasises the need for securing vacant or derelict buildings. This comprehensive approach ensures a range of enforcement options to satisfy community expectations around upkeep, security, and neighbourhood amenity.</p>

<p>44.1.5 become damaged or defaced; 44.1.6 adversely affect the amenity of the surrounding neighbourhood; or 44.1.7 be left unsecured so as not to prevent unauthorised entry.</p> <p>44.2 The owner, the occupier and the property manager of land must maintain any building on the land in a state of good repair.</p> <p>44.3 The owner, the occupier and the property manager of land on which there is a vacant or derelict building/s must take all reasonable steps to secure the land from unauthorised access.</p> <p>44.4 Without limiting the generality of clause 44.1, a building may be kept in a manner that offends clause 44.1 if the building is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, or misuse.</p>													
<p>Unightly land Enhance the existing provision:</p> <p>55. 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:</p> <p>55.1 unsightly; 55.2 dangerous; or 55.3 detrimental to the general amenity of the neighbourhood in which it is located.</p> <p>56. Without limiting the generality of clause 55, land may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:</p> <p>56.1 unconstrained rubbish; 56.2 dead trees and/or excessive growth of vegetation; 56.3 waste material; 56.4 unregistered motor vehicles or any parts of them; 56.5 scrap metal; 56.6 a disused excavation; or 56.7 a building or structure which is incomplete and not currently being constructed.</p> <p>57. Each owner or occupier of land must maintain his or her land by:</p> <p>57.1 mowing; 57.2 slashing; or 57.3 otherwise removing all overgrown grass and weeds so as to give the land an overall appearance of neatness.</p> <p>By removing this clause: unregistered motor vehicles or any parts of them; And including these clauses: 28.2.4 more than three unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles; 28.2.5 machinery or vehicle parts which has or have been stored on the land for more than 60 days in one calendar year and the appearance of which is detrimental to the appearance of the surrounding area; 28.2.6 flammable material or any solid or liquid likely to assist the spread of fire or constitute a fire hazard;</p>	<p>The proposed changes to the law aim to enhance the existing provisions related to unsightly land. Here's a rationale for these changes:</p> <p>Clarification and Specificity: The clause "unregistered motor vehicles or any parts of them" is replaced with more specific clauses. This provides clearer guidelines on what constitutes an unsightly condition. It specifies the number of unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles allowed, and the duration for which machinery or vehicle parts can be stored on the land. This specificity helps in better enforcement of the law.</p> <p>Safety Concerns: The inclusion of the clause about flammable material addresses safety concerns. It prevents the storage of any solid or liquid that could assist the spread of fire or constitute a fire hazard. This is crucial in areas prone to wildfires and in densely populated neighbourhoods where a fire could have devastating consequences.</p> <p>Aesthetic Considerations: The changes also consider the aesthetic impact on the surrounding area. The presence of deteriorated vehicles, machinery parts, and flammable materials can be detrimental to the appearance of the neighbourhood. By regulating these, the law aims to preserve and enhance the general amenity of the neighbourhood.</p> <p>These changes aim to strike a balance between individual property rights and the collective interest of the community in maintaining a safe and pleasant environment. They provide clear, enforceable standards for land maintenance, contributing to the overall quality of life in the neighbourhood.</p>												
<p>Penalty For Infringement Notice (In Penalty Units) Schedule 1</p> <table border="1" data-bbox="254 1397 982 1982"> <thead> <tr> <th>CLAUSE</th> <th>PENALTY FOR INFRINGEMENT NOTICE (IN PENALTY UNITS)</th> </tr> </thead> <tbody> <tr> <td>11.1, 12.1, 13.2, 14.1, 15.1, 18.1, 20.1, 21.2, 22.7, 26.1, 27.1, 29.1, 32.1, 33.1, 34.1, 34.2, 35.1, 38.1, 45.1, 46.1, 54.1, 55.1, 62.1, 62.2, 63.1, 63.2, 63.3, 64.1, 65.2, 66.1, 72.1, 73.1, 74.1, 75.1, 75.3, 75.4, 76</td> <td>1</td> </tr> <tr> <td>16.2, 40.2, 40.3, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9, 67.10, 67.12, 68.1, 68.2, 69.1, 69.3, 71.1, 71.2</td> <td>0.5</td> </tr> <tr> <td>17.1, 19.1, 19.2, 22.1, 22.5, 22.6, 22.9, 23.3, 23.4, 23.5, 23.6, 23.7, 23.10, 24.1, 25.1, 28.1, 28.3, 39.1, 43.1, 44.1, 44.2, 44.3, 48.1, 48.2, 48.4, 49.1, 50.1, 51.1, 52.1, 53.1, 78.4</td> <td>2.5</td> </tr> <tr> <td>41.1, 42.1</td> <td>1.5</td> </tr> <tr> <td>30.1, 31.1, 36.1, 37.1, 47.1, 47.2, 47.8, 56.1, 56.2, 57.1, 58.1, 59.1, 60.1</td> <td>1.25</td> </tr> </tbody> </table>	CLAUSE	PENALTY FOR INFRINGEMENT NOTICE (IN PENALTY UNITS)	11.1, 12.1, 13.2, 14.1, 15.1, 18.1, 20.1, 21.2, 22.7, 26.1, 27.1, 29.1, 32.1, 33.1, 34.1, 34.2, 35.1, 38.1, 45.1, 46.1, 54.1, 55.1, 62.1, 62.2, 63.1, 63.2, 63.3, 64.1, 65.2, 66.1, 72.1, 73.1, 74.1, 75.1, 75.3, 75.4, 76	1	16.2, 40.2, 40.3, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9, 67.10, 67.12, 68.1, 68.2, 69.1, 69.3, 71.1, 71.2	0.5	17.1, 19.1, 19.2, 22.1, 22.5, 22.6, 22.9, 23.3, 23.4, 23.5, 23.6, 23.7, 23.10, 24.1, 25.1, 28.1, 28.3, 39.1, 43.1, 44.1, 44.2, 44.3, 48.1, 48.2, 48.4, 49.1, 50.1, 51.1, 52.1, 53.1, 78.4	2.5	41.1, 42.1	1.5	30.1, 31.1, 36.1, 37.1, 47.1, 47.2, 47.8, 56.1, 56.2, 57.1, 58.1, 59.1, 60.1	1.25	<p>The proposed amendment maintains consistency with existing fine amounts while introducing targeted changes. Specifically, fines related to building works and the protection of council assets and building site management have been increased. These adjustments align with community expectations and enhance their deterrent effect. The same principal has been applied to offences associated with the keeping of unsightly/dangerous land and dilapidated buildings.</p>
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Communications and Community Engagement Plan

Project name:	Making of the Community Safety & Amenity Local Law
Date consultation commences:	2 April 2024
Date consultation closes:	12 May 2024

Prepared By: Community Amenity department

Date prepared: 7 March 2024

COMMUNICATIONS AND ENGAGEMENT TIMELINE

Provide a chronological list of the key stages of communication and engagement. Please provide exact dates and update if they change. Include open and close dates and times of consultations, resident letters, Council meeting dates and feedback report to participants.

Date and time	Engagement stage or milestone	Description
February – March 2024	Preparation	Develop Comms material and prepare Shape Monash page including FAQ's
March	Analysis and drafting	
26 March 2024		Council resolution to release the proposed Monash Community Safety and Amenity Local Law for public consultation, including details of the consultation plan. This will allow the community to see the proposed Local Law and give their comments and suggestions before it is presented to Council to adopt.
2 April 2024	Consultation opens	Shape Monash page activated – outlines proposed changes to current local law, includes objectives and intended effect of Local Law.

Date and time	Engagement stage or milestone	Description
		Notice in Bulletin (delivered week of 22 April) with QR code to Shape Monash page. Physical copy viewable at Council Civic Centre (Glen Waverley) and Oakleigh Service Centre and on the website. Publish copies in the libraries for public view. and promote QR code through recreation and aquatic centres
12 May 2024	Consultation closes	
May-June 2024	Analysis and drafting	Feedback from consultation to be analysed and documented for Council's consideration. Draft Community Amenity and Safety Local Law.
30 July 2024	Council Meeting – adopt Local Law	Council considers feedback consultation and adopts new Local Law.
1 st week August 2024	Update website and online documentation. Close the loop with people who provided feedback through engagement. Provide Notice in Gazette	If endorsed by Council.

BACKGROUND INFORMATION

The proposed Community Safety & Amenity Local Law has been developed to replace Local Law No. 3 – Community Amenity, which will expire in February 2025. Officers have reviewed the existing Local Law and identified some areas for improvement, in addition to clauses which must be removed as they are inconsistent with Federal or State legislation. The community will be asked for their feedback on the proposed Local Law, with the feedback used to inform a Gender Impact Assessment. Council will then adopt the new Local Law after considering the public submissions.

In accordance with the Local Government Act 2020:

- (1) Before a Council makes a local law it must comply with the following procedure.
- (2) The Council must make a local law in accordance with its community engagement policy.
- (3) The Council must publish a notice stating—
 - (a) the objectives of the proposed local law; and
 - (b) the intended effect of the proposed local law; and
 - (c) that a copy of the proposed local law is available for inspection—

- (i) at the Council's office; and
 - (ii) on the Council's Internet site; and
- (d) the community engagement process that applies in respect of the making of the local law.
- (4) A notice under subsection (3) must be published—
 - (a) on the Council's Internet site; and
 - (b) in any other manner prescribed by the regulations for the purposes of this section.
- (5) The Council must ensure that a copy of the proposed local law is available for inspection—
 - (a) at the Council's office; and
 - (b) on the Council's Internet site.
- (6) If—
 - (a) the Council proposes to alter a proposed local law in respect of which notice has been given under subsection (3); and
 - (b) the alteration will affect the rights or responsibilities of any person—the Council must comply with subsections (2) to (5) and conduct a further community engagement process in respect of the proposed alteration.

Making a local law

- (1) Before a Council makes a local law, a Council must obtain a certificate from a qualified person stating that the person is of the opinion that the proposed local law is consistent with the local law requirements.
- (2) For the purposes of subsection (1), **qualified person** means a person who—
 - (a) is an Australian lawyer who has been admitted to the legal profession for at least 5 years; and
 - (b) is not a Councillor of the Council.
- (3) The certificate obtained under subsection (1) must be tabled at the Council meeting at which the proposed local law is to be made.
- (4) After a local law is made, the Council must publish a notice stating—
 - (a) the title of the local law; and
 - (b) the objectives of the local law; and
 - (c) the effect of the local law; and
 - (d) that a copy of the local law is available for inspection—
 - (i) at the Council's office; and
 - (ii) on the Council's Internet site.
- (5) A notice under subsection (4) must be published—
 - (a) in the Government Gazette; and
 - (b) on the Council's Internet site; and

(c) in any other manner prescribed by the regulations for the purposes of this section.

Availability of a local law

The Council must ensure that a copy of a local law made under section 74 is available for inspection—

- (a) at the Council's office; and
- (b) on the Council's Internet site.

It is important Council begin consultation on the proposed Local Law well before the sunset date (February 2025), to allow the community to be genuinely engaged and have ability to provide feedback. Council will consider amendments and finalise a decision prior to the sunset date.

PURPOSE OF ENGAGEMENT

This project is required, under the Local Government Act 2020, to consult with the community in accordance with Council's Community Engagement Policy. This engagement activity falls within the category of 'Participatory Engagement' in Council's Engagement Policy where we intend to invite the community to provide feedback on the proposed Community Amenity and Safety Local Law. However, some aspects, those clauses which must be removed as they are inconsistent with Federal or State legislation, are for information only – as there will be no ability for people to influence or make recommendations on these aspects through consultation. This approach is consistent with Council's engagement policy and framework.

ENGAGEMENT OBJECTIVES

- Engage with a broad representation of the community to seek feedback on the proposed Community Safety and Amenity Local Law.
- Identify and review themes and concerns from the community regarding the proposed Local Law
- Provide feedback on the consultation as part of the Council report to seek adoption of the new Local Law.

PROJECT BENEFITS

The consultation will allow residents, traders and other community members the opportunity to voice their views on the proposed Local Law. Council will then be able to consider feedback where appropriate.

PROJECT IMPACTS

The impacts of the Local Law will affect traders, builders, residents, visitors, and across the municipality. Changes may affect internal operations as authorised officers will need to be aware of changes and how to approach new provisions. Administrative changes will also need to occur.

INFORMATION TO SUPPORT ENGAGEMENT

Refer above – Section 73 and 74 of the Local Government Act 2020.

The proposed Local Law will be available at both Council offices for view by the public.

The following communications plan demonstrates how the community will be alerted to engagement opportunities.

STAKEHOLDERS AND LEVEL OF INFLUENCE

Impact: What level of change will the stakeholder / community segment experience as a result of the project / matter (High, Medium, Low)

Interest: What level of interest has been expressed or is anticipated (High, Medium, Low)

Influence: Refer to the IAP2 Spectrum (Inform, Consult, Involve, Collaborate, Empower)

Stakeholder group	Interest	Impact	Influence IAP2 Level
Councillors	High	High	Consult
Residents	Medium	Medium	Consult
Traders	Medium	Medium	Consult
Builders	Low	Low	Consult
Council Officers – various departments	High	High	Consult
ELT	High	High	Consult

INFORMATION NEEDED FROM STAKEHOLDERS

What are their views on the proposed Local Law, including additions, removals, clause changes etc.

Is there anything in the community view that may not have been considered?

General support to proceed with the proposed Local Law

Understanding of the objectives and intended effect of the Local Law

<i>Negotiable</i>	<i>Not Negotiable</i>
What elements do stakeholders have an opportunity to influence?	What elements do stakeholders not have any opportunity to influence?
Stakeholders have an opportunity to share their views	Stakeholders will not have ability to form an empowerment role to decide whether the Local Law will proceed. Excluding clauses which must be removed as they are inconsistent with Federal or State legislation.





COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024



**CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024
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CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024

PART 1
PRELIMINARY

1 Title

1.1 This Local Law is called "Community Safety And Amenity Local Law 2024".

2 What are the objectives of this Local Law?

2.1 The objectives of this Local Law are to:

- 2.1.1 provide for the peace, order and good governance of the municipal district;
- 2.1.2 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; and
- 2.1.3 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:

- 2.1.4 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
- 2.1.5 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.

3 What authorises this Local Law?

3.1 This Local Law is made under section 71 of the Act.

4 When does this Local Law commence?

4.1 This Local Law commences on [##INSERT DATE].

5 When does this Local Law end?

5.1 Unless revoked sooner, this Local Law ends on [##INSERT DATE].

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

6.1 This Local Law applies throughout the whole of the municipal district.

7 What does this Local Law replace?

7.1 From the commencement of this Local Law, Local Law No. 3 – Community Amenity is revoked.

8 Definitions

8.1 The following defined terms are intended to have the following meanings, unless the context suggests otherwise:

"accommodation" means all forms of accommodation on private land where 4 or more people who are not family are accommodated.

"Act" means the *Local Government Act 2020*.

"advertising sign" includes any placard, board, sign, card, banner or similar item, whether portable or affixed or attached to any land, building or other structure or item, which:

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

"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.

"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.

"assistance dog" has the meaning ascribed to it by section 4(1) of the *Equal Opportunity Act 2010*.

"authorised officer" means a person appointed by Council to be an authorised officer under section 224 of the *Local Government Act 1989*.

"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 (\$1) or two (2) dollar (\$2) coin.

"builder" means a person who:

- (a) carries out building work; or
- (b) is not an owner of land on which the building work is carried out but manages or arranges the carrying out of building work on that land.

"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 or part of which building work is being carried out.

"building work" means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, and includes any changes to the natural or existing topography of land including excavation, landscaping, concreting, trenching, digging, filling, subdivision and road construction, whether by mechanical or manual methods, and the loading and unloading of any goods or materials for or in connection with any building work, 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 (\$1) or two (2) dollar (\$2) coin or equivalent authorised token of the same size.

"construction period" means the period during which building work is being carried on.

"Council" means Monash City Council.

"Council Asset" means any asset, item or thing located, in, on or under a road or Council land, including a structure, building, fixture, freestanding object, appliance, equipment, drain, tree, bridge, turf, cricket pitch, service channel, sign and hydrant that is not owned by another person or public body.

"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.

"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 container 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.

"donation bin" means a receptacle located outdoors and placed, installed, displayed, operated, used, altered or maintained for the purpose of collecting donated items from the public, but does not include a receptacle located within a building or a receptacle owned or operated by Council.

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

"event" means an organised recreational, cultural, commercial or social event or gathering of people.

"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.

"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 2017*.

"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 78.

"poultry" includes hens, ducks, geese, peacocks, turkeys, bantam, squab, guinea fowls and other edible birds over the age of 12 weeks but excludes roosters.

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

"property manager" means the person appointed by the owner of land or premises to manage that land or premises on their behalf.

"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*.

"racing pigeon" means any pigeon kept by its owner for the purpose of racing if that owner is a member of a club or association:

- (a) established for the racing of pigeons; or

(b) which is affiliated with an organisation established for the racing of pigeons.

"receptacle" means any approved garbage receptacle, approved green waste receptacle and 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 and motorised bicycle with a maximum capacity of 22 watt aggregate power.

"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 a recyclables receptacle supplied by Council for the purpose of disposing of recyclables.

"refuse facility" means a container 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 parking area" means a parking area in which lawful parking is restricted, whether for the whole or part of a day, to residents of a particular area.

"residential parking permit" means a permit authorising a person to park in a residential parking area.

"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*.

"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.

"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 container for the deposit of trade waste that is ordinarily emptied by mechanical means.

"vehicle" has the meaning ascribed to it by section 3(1) of the *Road Safety Act 1986*.

"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.

9 Notes in this Local Law

- 9.1 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.

10 What Council may do

- 10.1 Council may:
 - 10.1.1 restrict access to Council land or part of it;
 - 10.1.2 authorise any person to occupy Council land;
 - 10.1.3 close any Council land or part of it to the public;
 - 10.1.4 establish conditions of entry to Council land;
 - 10.1.5 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;
 - 10.1.6 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
 - 10.1.7 authorise a person to do any one or more of the things described in this clause 10.1.
- 10.2 Council, an authorised officer or any other person authorised by Council may from time to time establish:
 - 10.2.1 conditions applying to and fees or charges for admission to or the hire or use of Council land or part of Council land; and
 - 10.2.2 conditions applying to and fees or charges for the hire or use of any property of Council in connection with Council land.
- 10.3 In exercising the powers conferred by clause 10.2, Council, an authorised officer or any other person authorised by Council may determine conditions applying to and fees and charges for admission to or the use of Council land:
 - 10.3.1 on multiple occasions;
 - 10.3.2 over a period of time; or
 - 10.3.3 on any other basis that it considers, or they consider, appropriate.

11 What a person cannot do

- 11.1 A person must not, without the consent of Council or an authorised officer:
 - 11.1.1 act contrary to any conditions of entry applicable to Council land;
 - 11.1.2 enter Council land without paying any fee or charge applicable to that Council land or the hire or use of the Council land;

- 11.1.3 hire or use any Council property in connection with Council land without first paying any fee or charge which is applicable;
- 11.1.4 remain on Council land after being directed to leave by an authorised officer; or
- 11.1.5 enter Council land, after having been directed to leave that Council land by an authorised officer, for 48 hours or such other period as notified in writing by Council or an authorised officer.

Penalty: 10 Penalty Units

12 Behaviour on Council land

- 12.1 A person must not:
 - 12.1.1 commit any nuisance on Council land;
 - 12.1.2 interfere with another person's use and enjoyment of Council land;
 - 12.1.3 act in a manner which endangers any other person on Council land;
 - 12.1.4 use indecent, insulting, offensive or abusive language on Council land;
 - 12.1.5 behave in an indecent, offensive, insulting or riotous manner on Council land;
 - 12.1.6 without the consent of Council or an authorised officer:
 - (a) destroy, damage, interfere with or deface Council land;
 - (b) destroy, damage, interfere with or deface anything located at or on Council land; or
 - (c) remove any object which is owned by Council from Council land;
 - 12.1.7 act in a manner contrary to any restriction or prohibition contained in the inscription on a sign on Council land;
 - 12.1.8 without the consent of Council or an authorised officer, conduct any filming for commercial purposes on Council land;
 - 12.1.9 without the consent of Council or an authorised officer, sell any goods or services on Council land;
 - 12.1.10 without the consent of Council or an authorised officer, erect, operate or cause to be erected or operated any amusement on Council land;
 - 12.1.11 obstruct, hinder or interfere with any member of staff of Council in the performance of their duties on Council land;
 - 12.1.12 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 the Council land, whether or not a fee for admission to the Council land has been paid;
 - 12.1.13 use or interfere with any life saving or emergency device located on Council land, unless:

- (a) using the device in an emergency; or
 - (b) participating in an instruction approved by Council or an authorised officer;
- 12.1.14 organise any function or event on Council land without the consent of Council or an authorised officer; or
- 12.1.15 bring onto Council land any substance, liquid or powder which may:
- (a) be dangerous or injurious to health;
 - (b) have the potential to foul, pollute or soil any part of the Council land; or
 - (c) cause discomfort to any person
- without the consent of Council or an authorised officer.

Penalty: 10 Penalty Units

13 Access to Municipal Places

- 13.1 Council or an authorised officer may determine the hours when any Municipal Place will be open to the public.
- 13.2 A person must not, without the consent of Council or an authorised officer:
- 13.2.1 enter a Municipal Place other than through an entrance provided for that purpose;
 - 13.2.2 enter or remain in a Municipal Place during hours when the Municipal Place is not open to the public;
 - 13.2.3 bring any animal into, or allow any animal under their control to remain in, a Municipal Place, except for an assistance dog being used by that person; or
 - 13.2.4 bring any vehicle or wheeled toy into a Municipal Place, except for:
 - (a) a pram or pusher being used by a child; or
 - (b) a wheelchair being used by a person who is reliant on it for mobility.

Penalty: 10 Penalty Units

14 Activities Prohibited in Reserves

- 14.1 In a reserve, a person must not:
- 14.1.1 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;
 - 14.1.2 climb or jump on any wall, fence, gate, seat or other structure;
 - 14.1.3 intentionally roll or throw any stone or missile so as to endanger any person or cause any damage;
 - 14.1.4 spit on or otherwise foul any path or structure;

- 14.1.5 use any children's playground equipment other than for the purpose for which it is provided;
- 14.1.6 swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;
- 14.1.7 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 fountain;
- 14.1.8 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:
 - (a) dangerous to any other person in the reserve; or
 - (b) likely to interfere with the reasonable use or enjoyment of the reserve by any other person; or
- 14.1.9 play or practise golf other than in a reserve designated or set aside as a golf course.

Penalty: 10 Penalty Units

15 Activities which may be permitted in Reserves

- 15.1 In a reserve, a person must not, without a permit:
 - 15.1.1 fly or permit to be flown any aircraft (including any powered modelled aeroplane);
 - 15.1.2 ride or drive a vehicle or animal in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the reserve by another person;
 - 15.1.3 light a fire or permit any fire to remain alight except:
 - (a) a barbecue provided by Council; or
 - (b) a portable liquid petroleum gas barbecue;
 - 15.1.4 camp or pitch, erect or occupy any camp, tent, caravan or temporary structure;
 - 15.1.5 conduct or celebrate a wedding;
 - 15.1.6 organise, hold or participate in any rally, procession, demonstration or any other public gathering;
 - 15.1.7 hold a circus or carnival;
 - 15.1.8 make a collection of money;
 - 15.1.9 destroy, damage or interfere with any flora or kill, injure or interfere with any fauna;
 - 15.1.10 use an amplifier;
 - 15.1.11 walk on any plot, bed, border or any other area set aside for vegetation;
 - 15.1.12 conduct any fitness training for commercial purposes; or

15.1.13 play, organise or engage in any organised competitive sport or game.

Penalty: 10 Penalty Units

16 Public Libraries

16.1 Council or a public library manager may:

16.1.1 establish conditions of membership for any public library; and

16.1.2 set fees or charges in connection with the use of any public library.

16.2 A person:

16.2.1 who is a member of a public library must comply with any conditions of membership which have been established under clause 16.1.1 and which are applicable to them;

16.2.2 must pay any fee or charge set under clause 16.1.2 which is applicable to them; and

16.2.3 must:

- (a) 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 similar item in their possession;
- (b) 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;
- (c) 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
- (d) 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.

Penalty: 5 Penalty Units

**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.

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

17.1 A person must not:

17.1.1 without a permit, destroy, damage or tap into any drain, culvert or sewer vested in Council;

Penalty: 20 Penalty Units

17.1.2 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

Penalty: 20 Penalty Units

17.1.3 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:

(a) fall into disrepair; or

(b) develop a condition which is dangerous to health.

Penalty: 20 Penalty Units

18 Interference with Watercourse

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

Penalty: 10 Penalty Units

19 Constructing Vehicle Crossings

19.1 A person must not, without a permit, construct, remove or relocate any temporary or permanent vehicle crossing.

Penalty: 20 Penalty Units

19.2 Each owner and occupier of land must not, without a permit:

19.2.1 construct or allow to be constructed; or

19.2.2 use or allow to be used

a second or subsequent vehicle crossing to service the land.

Penalty: 20 Penalty Units

20 Maintaining Vehicle Crossings

- 20.1 Each owner and occupier of land must maintain and keep in good condition any vehicle crossing which services that land.

Penalty: 10 Penalty Units

21 Directing Vehicle Crossing Works

- 21.1 Council or an authorised officer may direct:

21.1.1 the construction of a temporary or permanent vehicle crossing;

21.1.2 the repair or reconstruction of a vehicle crossing; and

21.1.3 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 the owner's or occupier's cost.

- 21.2 Each owner or occupier of land to whom a direction has been given under this clause 21 must comply with that direction by applying for a permit to do, and conduct the works necessary for, the thing which is directed.

Penalty: 10 Penalty Units

22 Asset Protection

- 22.1 The:

22.1.1 owner of any land;

22.1.2 builder engaged to carry out building work on land;

22.1.3 appointed agent; and

22.1.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,

must:

22.1.5 obtain an Asset Protection Permit before carrying out the building work or allowing the building work to be carried out on that land; and

22.1.6 not carry out or allow to be carried out any building work on that land unless an Asset Protection Permit has been obtained.

Penalty: 20 Penalty Units

- 22.2 On the payment of an application fee, Council or an authorised officer may issue an Asset Protection Permit in respect of any land where building work is to be carried out.

- 22.3 An Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.

- 22.4 An Asset Protection Permit may be subject to such conditions as Council or an authorised officer determines, including conditions:
- 22.4.1 requiring protection works to be done;
 - 22.4.2 requiring the payment of a security bond;
 - 22.4.3 requiring that any or all public assets and infrastructure damage be repaired, replaced or re-instated within a specified time and to the satisfaction of Council or an authorised officer; and
 - 22.4.4 requiring a temporary vehicle crossing to be installed to Council's or an authorised officer's specification before commencement of any building work or delivery of any equipment or materials to the land.
- 22.5 A person who is not one of the persons described in clause 22.1 must not:
- 22.5.1 carry out building work on land unless, in respect of the building work, an Asset Protection Permit has been obtained; or
 - 22.5.2 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.

Penalty: 10 Penalty Units

- 22.6 The:
- 22.6.1 owner of any land on which building work is being or is to be carried out;
 - 22.6.2 builder engaged to carry out building work on land;
 - 22.6.3 appointed agent;
 - 22.6.4 driver of any vehicle involved in placing or removing a refuse facility on land; and
 - 22.6.5 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,
- must, in respect of the building work, ensure that:
- 22.6.6 entry takes place only across a temporary vehicle crossing unless otherwise permitted by Council or an authorised officer and in accordance with that permission, and
 - 22.6.7 no materials are deposited on any part of a road or Council land without the approval of Council or an authorised officer.

Penalty: 20 Penalty Units

- 22.7 Regardless of whether a building permit has been issued, the:
- 22.7.1 owner of any land on which building work is being or is to be carried out;
 - 22.7.2 builder engaged to carry out building work on land;
 - 22.7.3 appointed agent; and

22.7.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,

must:

22.7.5 notify Council in writing of the proposed building work at least seven (7) days before the building work commences; and

22.7.6 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.

Penalty: 20 Penalty Units

22.8 If the owner, builder or appointed agent or, in the case of building work involving demolition, the demolition contractor, fails to give written notice in accordance with clause 22.7, it will 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.

22.9 The owner, builder and appointed agent and, in the case of building work involving demolition, the demolition contractor, must repair to the satisfaction of Council or an authorised officer 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.

Penalty: 20 Penalty Units

22.10 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.

22.11 Upon completion of the building work, the amount of the security bond:

22.11.1 may be retained by Council to offset the costs of carrying out any works in accordance with the Act and this Local Law;

22.11.2 may be refunded to the person who lodged it, upon Council's or an authorised officer'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 or an authorised officer's satisfaction; and

22.11.3 must be supplemented by a further payment equal to the difference between the cost of carrying out any works in accordance with the Act and this Local Law and the amount of the bond, if Council or an authorised officer is satisfied that the amount of the bond is insufficient to meet such cost and it makes a demand for such payment in writing.

22.12 Where Council or an authorised officer so determines, it or they may agree to accept an alternative form of security to a security bond.

23 Building Sites Generally

23.1 Council or an authorised officer may inspect a building site at any reasonable time.

23.2 If Council or an authorised officer identifies any damage which appears to result from non-compliance with this Local Law, Council or an authorised officer:

23.2.1 may direct the responsible party to reinstate the damage within a specified time; and

23.2.2 must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable timeframe.

23.3 A responsible party must comply with any direction given under clause 23.2.

Penalty: 20 Penalty Units

23.4 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, the appointed agent and, in the case of building work which involves demolition, the demolition contractor engaged to demolish a structure on the land, 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 in accordance with currently accepted best practice, by adopting measures to:

23.4.1 minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and

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

Penalty: 20 Penalty Units

23.5 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 and the appointed agent must:

23.5.1 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;

23.5.2 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 duration of the building work;

23.5.3 not place the refuse facility on any Council land or road without a permit;

23.5.4 not deposit any builder's refuse in or over any part of the stormwater system; and

23.5.5 empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

Penalty: 20 Penalty Units

23.6 On any land where building work is being, or has been, carried out, the:

23.6.1 owner of the land on which the building work is being or has been carried out;

23.6.2 builder engaged to carry out the building work; and

23.6.3 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 building work or the issue of an occupancy permit, whichever occurs last.

Penalty: 20 Penalty Units

23.7 The:

23.7.1 owner of the land on which the building work is being or is to be carried out;

23.7.2 builder engaged to carry out the building work; and

23.7.3 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.

Penalty: 20 Penalty Units

23.8 No liability will arise under clause 23.7 if:

23.8.1 a building is being constructed on an adjacent building site simultaneously by the same person; and

23.8.2 Council or an authorised officer 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.

23.9 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, refuse facility, trade waste hopper, vehicle, plant or other thing placed on it, for the purpose of carrying out the provisions of this Local Law.

23.10 The:

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

23.10.2 builder engaged to carry out the building work; and

23.10.3 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 1.5 metres high and is to the satisfaction of Council or an authorised officer.

Penalty: 20 Penalty Units

24 Works on Council Land and Roads

24.1 Where works are carried out on Council land or a road:

24.1.1 the person causing the works to be carried out;

24.1.2 the person carrying out the works; and

24.1.3 any appointed agent

must ensure that:

24.1.4 those works are carried out safely;

24.1.5 adequate pedestrian and traffic control devices are installed and maintained during the course of the works; and

24.1.6 any pedestrian or traffic control device which is being used in connection with the works complies with the applicable Australian Standard and any directions issued by Council or an authorised officer.

Penalty: 20 Penalty Units

25 Damaging Council Land or Roads

25.1 A person must not, without a permit:

25.1.1 destroy, damage or interfere with any Council land or any road or thing on Council land or any road;

25.1.2 place or allow to be placed any thing on Council land or any road so as to endanger any other person or any property;

25.1.3 remove any thing from Council land or any road;

25.1.4 light a fire on any Council land or any road, except in a properly constructed barbecue; or

25.1.5 discharge or cause or allow to be discharged any fireworks from Council land.

Penalty: 20 Penalty Units

25.2 Clause 25.1 does not apply to a person employed or engaged by Council while acting in the course of their duties.

26 Recreational Vehicles

26.1 A person must not, without a permit:

26.1.1 use; or

26.1.2 allow a person under his or her care or control to use a recreational vehicle on any Council land.

Penalty: 10 Penalty Units

27 Fences Between Private and Council Land

27.1 An owner and 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 their land and the adjoining Council land.

Penalty: 10 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, if left uncontrolled, have the potential to detract from the natural environment.

28 Unsightly land

28.1 Unless permitted under a Planning Scheme applicable to the land, an owner and 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:

28.1.1 unsightly;

28.1.2 dangerous; or

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

Penalty: 20 Penalty Units

28.2 Without limiting the generality of clause 28.1, land may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:

28.2.1 unconstrained rubbish;

28.2.2 dead trees and/or excessive growth of vegetation;

28.2.3 waste material;

28.2.4 more than three unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles;

28.2.5 machinery or vehicle parts which has or have been stored on the land for more than 60 days in one calendar year and the appearance of which is detrimental to the appearance of the surrounding area;

28.2.6 flammable material or any solid or liquid likely to assist the spread of fire or constitute a fire hazard;

28.2.7 scrap metal;

28.2.8 a disused excavation; or

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

28.3 Each owner and occupier of land must maintain the land by:

28.3.1 mowing;

28.3.2 slashing; or

28.3.3 otherwise removing all overgrown grass and weeds

so as to give the land an overall appearance of neatness.

Penalty: 15 Penalty Units

29 Nature strips

- 29.1 An owner and occupier of land must ensure that the nature strip adjacent to or otherwise referable to that land:
- 29.1.1 is maintained in a neat and tidy condition; and
 - 29.1.2 does not contain grass, stubble, scrub or undergrowth exceeding 30 centimetres in height.

Penalty: 10 Penalty Units

30 Shipping containers

- 30.1 An owner and occupier of land must not, without a permit, keep any bulk shipping container on that land.

Penalty: 10 Penalty Units

31 Old, Used or Second Hand Machinery, Materials, Goods and Vehicles

- 31.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit:
- 31.1.1 use any land for the storage, assembly or dismantling of any old, used or second hand:
 - (a) machinery;
 - (b) materials; or
 - (c) goods; or
 - 31.1.2 use any land for the storage, assembling or dismantling of any old or second hand vehicles.

Penalty: 10 Penalty Units

32 Permitting Camping

- 32.1 Unless permitted under a Planning Scheme applicable to the land, the owner and occupier of any land in a Residential Area must not, without a permit, allow any person to:
- 32.1.1 occupy; or
 - 32.1.2 place or cause to be placed for the purpose of occupation, any
 - 32.1.3 caravan;
 - 32.1.4 tent; or
 - 32.1.5 like structure

on that land.

Penalty: 10 Penalty Units

33 Camping

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

33.1.1 occupy; or

33.1.2 cause to be occupied

any

33.1.3 caravan;

33.1.4 tent; or

33.1.5 like structure

on any land for a period longer than a total of three (3) weeks in any calendar year.

Penalty: 10 Penalty Units

34 Caravans

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

34.1.1 without a permit:

(a) place;

(b) cause to be placed; or

(c) permit to be placed,

more than one (1) caravan on any land in a Residential Area; or

34.1.2 place or cause or permit to be placed a caravan on any land in a Residential Area unless the placement is to the satisfaction of an authorised officer.

Penalty: 10 Penalty Units

35 Camping on roads or Council land

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

35.1.1 camp; or

35.1.2 erect, place or occupy a:

(a) caravan;

(b) tent; or

- (c) similar structure

on a road, Council land or public place.

Penalty: 10 Penalty Units

36 Vegetation

36.1 The owner and occupier of any land must not permit any vegetation located on the land to grow in a manner that obstructs the clear view:

36.1.1 by a driver, of any:

- (a) pedestrian;
- (b) vehicle;
- (c) street sign; or
- (d) traffic control item; or

36.1.2 by a pedestrian, of any:

- (a) vehicle;
- (b) street sign; or
- (c) traffic control item.

Penalty: 10 Penalty Units

37 Overhanging and Encroaching Vegetation

37.1 An owner and occupier of any land must not permit vegetation on that land to:

37.1.1 overhang a road or Council land at a height of less than 2.5 metres from the surface of the road or Council land; or

37.1.2 encroach upon any adjacent road or Council land.

Penalty: 10 Penalty Units

38 Vermin and Blackberries

38.1 An owner and occupier of land must not allow any vermin or blackberry (*rubus fruticosus* agg.) to be present on the land.

Penalty: 10 Penalty Units

39 Prevention of Fire Risks

39.1 The owner and occupier of any land must not permit the land to contain any thing which constitutes or is likely to constitute a fire hazard or a source of fuel for a fire.

Penalty: 20 Penalty Units

40 Numbering of Allotments

40.1 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.

40.2 The owner and occupier of an allotment to which a number has been allotted by Council or an authorised officer must mark the allotment with the number:

40.2.1 in a form;

40.2.2 of sufficient size; and

40.2.3 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.

Penalty: 5 Penalty Units

40.3 The owner and occupier of an allotment must ensure that all numbers marking the allotment are:

40.3.1 made of durable materials;

40.3.2 kept in a good state of repair; and

40.3.3 renewed as often as may be necessary.

Penalty: 5 Penalty Units

41 Fires

41.1 A person must not, without a permit:

41.1.1 light;

41.1.2 allow to be lit; or

41.1.3 allow to remain alight

a fire in the open air.

Penalty: 10 Penalty Units

42 Incinerators

42.1 A person must not:

42.1.1 construct;

42.1.2 erect;

42.1.3 install;

42.1.4 use; or

42.1.5 permit to be constructed, erected, installed or used
an incinerator on any land.

Penalty: 15 Penalty Units

43 Extinguishing Fires

43.1 A person who has lit or allowed a fire to remain alight contrary to clause 41 must extinguish the fire immediately on being directed to do so by:

43.1.1 an authorised officer;

43.1.2 a member of the Victoria Police; or

43.1.3 an employee of the Metropolitan Fire and Emergency Services Board.

Penalty: 20 Penalty Units

43.2 Nothing in clause 41 or 42 (inclusive) applies to:

43.2.1 a barbeque, pizza oven or other appliance constructed for the purposes of cooking food while it is being used for that purposes;

43.2.2 a fire in a brazier, chimenea or other appliance constructed for the purposes of heating while it is being used for that purposes;

43.2.3 a tool of trade while being used for the purpose for which it was designed;

43.2.4 a fire lit by a member of staff of the Melbourne Fire and Emergency Services Board in the course of their duties;

43.2.5 an incinerator licensed under the *Environment Protection Act 2017*;

43.2.6 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; or

43.2.7 as part of a religious or cultural ceremony.

44 Dilapidated Buildings

44.1 The owner, the occupier and the property manager of land must not permit a building located on the land to:

44.1.1 become dilapidated;

44.1.2 become further dilapidated;

44.1.3 become derelict;

44.1.4 be in a state of disrepair;

44.1.5 become damaged or defaced;

44.1.6 adversely affect the amenity of the surrounding neighbourhood; or

44.1.7 be left unsecured so as not to prevent unauthorised entry.

Penalty: 20 Penalty Units

44.2 The owner, the occupier and the property manager of land must maintain any building on the land in a state of good repair.

Penalty: 20 Penalty Units

44.3 The owner, the occupier and the property manager of land on which there is a vacant or derelict building/s must take all reasonable steps to secure the land from unauthorised access.

Penalty: 20 Penalty Units

44.4 Without limiting the generality of clause 44.1, a building may be kept in a manner that offends clause 44.1 if the building is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, or misuse.

**PART 5
ROAD 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.

45 Dog Excrement

45.1 A person:

45.1.1 must not permit excrement of a dog under their care or control to remain on a road or Council land; and

45.1.2 who is in charge or control of a dog on a road or Council land must have in their possession a bag for the purpose of removing from the road or Council land any excrement from that dog deposited on the road or Council land.

Penalty: 10 Penalty Units

46 Spitting

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

Penalty: 10 Penalty Units

47 Shopping Trolleys

47.1 A person must not leave a shopping trolley:

47.1.1 on a road;

47.1.2 on Council land; or

47.1.3 in a car park vested in Council

except in an area designated by Council for the leaving of shopping trolleys.

Penalty: 10 Penalty Units

47.2 Subject to clause 47.3, a retailer must not make available for use or allow to be used a shopping trolley which:

47.2.1 does not have a fully functioning coin deposit and release mechanism attached to it; or

47.2.2 is not secured to the retailer's premises by a perimeter constraint system approved by Council or an authorised officer.

Penalty: 20 Penalty Units

47.3 Clause 47.2 does not apply when a retailer makes available for use, or allows to be used, 25 shopping trolleys or less.

47.4 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.

47.5 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:

47.5.1 the period within which the shopping trolley must be claimed;

47.5.2 that unclaimed shopping trolleys may be disposed of by Council after the period; and

47.5.3 that it is an offence for a retailer to not claim an impounded shopping trolley.

47.6 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).

47.7 Any impounded shopping trolley not claimed within the time specified in the list of impounded shopping trolleys referred to in clause 47.5 may be disposed of by Council.

47.8 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.

Penalty: 10 Penalty Units

48 Signs, Goods and Street Trading Items

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

48.1.1 display or permit to be displayed any goods on a road or Council land;

48.1.2 place or allow to be placed an advertising sign on a road or Council land; or

48.1.3 place or allow to be placed any table, chair, barrier or other street trading item on a road or Council land.

Penalty: 20 Penalty Units

48.2 An advertising sign must not contain any offensive or inappropriate content.

Penalty: 20 Penalty Units

48.3 In deciding whether to grant a permit under clause 48.1, Council or an authorised officer may have regard to:

48.3.1 the effect on pedestrian traffic flows and safety;

48.3.2 the impact on the appearance of the road or Council land and its surroundings;

48.3.3 the impact on residential amenity;

48.3.4 the duration of the use;

48.3.5 the effect on vehicular traffic flows and safety;

- 48.3.6 compatibility with other uses of the road or Council land;
- 48.3.7 whether it is complementary to the primary adjoining use;
- 48.3.8 whether it is less intensive than the primary adjoining use;
- 48.3.9 the applicant's previous record of compliance;
- 48.3.10 any relevant policies of Council; and
- 48.3.11 any other matter relevant to the application.

48.4 A person who has placed or displayed, or permitted to be placed or displayed, goods, an advertising sign, a table, chair, barrier or other item on a road or Council land, whether with or without a permit issued under clause 48.1, must move or remove them or it if directed to do so by:

- 48.4.1 an authorised officer; or
- 48.4.2 a member of staff of a Service Authority.

Penalty: 20 Penalty Units

49 Obstructions on Roads

49.1 A person must not, without a permit:

49.1.1 leave or permit to be left any:

- (a) bulk rubbish container on a road or Council land; or
- (b) 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

49.1.2 leave or permit to be left on a road or Council land any donation bin.

Penalty: 20 Penalty Units

49.2 Any person who is concerned with or takes part in the management of a business which supplies a bulk rubbish container or other thing which is left on or obstructs the free use of a road in contravention of clause 49.1 is also guilty of an offence.

49.3 A person may be found guilty of an offence against cl 49.2 whether or not any other person is found guilty of or prosecuted for the offence.

50 Spoil on Roads

50.1 A person must not:

- 50.1.1 drive; or
- 50.1.2 permit or cause to be driven

a vehicle on a road if the vehicle is being or has been used directly or indirectly in:

- 50.1.3 the filling or excavation of any land; or

50.1.4 building work

unless the exterior of the vehicle is free from soil, earth and clay.

Penalty: 20 Penalty Units

50.2 Any person who is concerned with or takes part in the management of a business which supplies vehicles used directly or indirectly in the filling or excavation of any land or building work which are driven in contravention of clause 50.1 is also guilty of an offence.

50.3 A person may be found guilty of an offence against cl 50.2 whether or not any other person is found guilty of or prosecuted for the offence.

51 Occupation of Roads for Works

51.1 A person must not, without a permit:

51.1.1 occupy or fence off;

51.1.2 erect a hoarding or scaffolding on;

51.1.3 use a concrete pump, mobile crane or travel tower for any work on;

51.1.4 make a hole or excavation in;

51.1.5 fill a hole or excavation in; or

51.1.6 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.

Penalty: 20 Penalty Units

51.2 Clause 51.1 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 has authorised the making of a hole or excavation in a road.

52 Repair and Display for Sale of Vehicles

52.1 A person must not:

52.1.1 paint a vehicle on a road or Council land;

52.1.2 service a vehicle on a road or Council land;

52.1.3 carry out maintenance on a vehicle on a road or Council land;

52.1.4 repair or dismantle a vehicle on a road or Council land except in an emergency breakdown to enable it to be removed; or

52.1.5 display for sale a vehicle on a road or Council land.

Penalty: 20 Penalty Units

53 Storage of Vehicles

53.1 A person must not, without a permit, store on any road or Council land a:

53.1.1 boat;

53.1.2 trailer;

53.1.3 caravan; or

53.1.4 vehicle, whether registered or not, which is in a dilapidated state

for more than seven (7) consecutive days or for more than eight (8) days in any period of 14 days.

Penalty: 20 Penalty Units

54 Consumption of Alcohol

54.1 A person must not:

54.1.1 consume any alcohol; or

54.1.2 have in their possession any unsealed container of alcohol

in any place which Council declares from time to time by resolution to be a prohibited place for the purpose of this clause 54.

Penalty: 10 Penalty Units

55 Wheeled Toys

55.1 A person must not:

55.1.1 use; or

55.1.2 allow a person under their care, custody or control to use

a wheeled toy on any Council land or part of Council land which Council declares from time to time by resolution to be a prohibited place for the purpose of this clause 55.

Penalty: 10 Penalty Units

PART 6
SALE OF GOODS, 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.

56 Persons Selling Goods

56.1 A person must not, without a permit, sell or allow to be sold, any goods on, or within, a road or Council land.

Penalty: 10 Penalty Units

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

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

56.2.2 sell goods from a tent or a temporary structure or building erected in contravention of clause 56.2.1.

Penalty: 10 Penalty Units

57 Street Collection

57.1 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.

Penalty: 10 Penalty Units

58 Unsolicited Material

58.1 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.

Penalty: 10 Penalty Units

59 Busking

59.1 A person must not, without a permit, busk on any:

59.1.1 road; or

59.1.2 Council land

with the object, or apparent object, of collecting money.

Penalty: 10 Penalty Units

60 Street Parties

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

Penalty: 10 Penalty Units

**PART 7
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.

61 Application of this Part

61.1 This Part does not apply to any land:

61.1.1 on which a pet shop is located; or

61.1.2 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.

62 Keeping of Animals Generally

62.1 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 more of each species or group of animals than is stated in the following table:

Type of Animal	Maximum Allowed
Dogs	2
Cats	2
Poultry	5
Pigeons	10
Racing Pigeons	60
Rabbits	5
Guinea Pigs	8
Mice	8
Cold water and Tropical Gold Fish	unlimited

Penalty: 10 Penalty Units

62.2 Unless permitted under a Planning Scheme applicable to the land or an Act, a person must not, without a permit, keep an animal of a species not listed in the table in clause 62.1 on any land.

Penalty: 10 Penalty Units

63 Housing of Animals

63.1 Any structure used for housing an animal and the area within three (3) metres of such structure must be maintained:

63.1.1 in a clean, inoffensive and sanitary condition;

63.1.2 so as not to cause any nuisance; and

63.1.3 to the satisfaction of Council or an authorised officer.

Penalty: 10 Penalty Units

63.2 A structure used for housing an animal must not be attached to, or within one metre of, any fence or other structure designed to separate neighbouring properties.

Penalty: 10 Penalty Units

- 63.3 A person must not keep any poultry in a wire-mesh battery cage.

Penalty: 10 Penalty Units

64 Noise and Smell from Animals

- 64.1 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.

Penalty: 10 Penalty Units

65 Feeding of Animals

- 65.1 If the feeding of an uncaged animal by a person is causing a nuisance or may damage property, an authorised officer may direct the person to cease feeding the animal.
- 65.2 A person to whom a direction is given under clause 65.1 must comply with that direction.

Penalty: 10 Penalty Units

PART 8 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.

66 Disposal of Disused Refrigerators and other Compartments

66.1 A person must not place:

66.1.1 a disused refrigerator;

66.1.2 an ice chest;

66.1.3 a chest; or

66.1.4 any other similar article

with a compartment having a capacity of 0.04 cubic metres or more upon any:

66.1.5 rubbish tip;

66.1.6 road;

66.1.7 Council land;

66.1.8 public place; or

66.1.9 unfenced vacant land,

unless:

66.1.10 in the case of a road, Council land or public place, it is a day designated on Council's website as a day for the collection of hard rubbish; and

66.1.11 in any event, they have first:

(a) removed from it every door and lid;

(b) removed from it every lock, catch and hinge attached to a door or lid; or

(c) otherwise rendered every door and lid incapable of being fastened.

Penalty: 10 Penalty Units

67 Resource Collection

67.1 The occupier of any land to which Council provides a:

67.1.1 domestic waste collection service must:

(a) 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;

- (b) not place out for collection by Council any domestic waste other than in an approved garbage receptacle designated for the deposit of domestic waste;
- (c) 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
- (d) not remove an approved garbage receptacle from any land except when it is placed out for collection;

67.1.2 green waste collection service must:

- (a) 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;
- (b) 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;
- (c) 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
- (d) not remove any approved green waste receptacle from any land, except when it is placed out for collection;

67.1.3 recycling collection service must:

- (a) 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;
- (b) not place out for collection by Council any recyclables other than in a recycling receptacle;
- (c) 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
- (d) not remove any recycling receptacle from any land, except when it is placed out for collection; and

67.1.4 commercial paper and cardboard collection service must:

- (a) 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;

- (b) 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;
- (c) 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
- (d) 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.

Penalty: 5 Penalty Units

- 67.2 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.

Penalty: 5 Penalty Units

- 67.3 Any receptacle placed out for collection by the occupier of any land must:

67.3.1 be placed:

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

67.3.2 be placed so that there is a minimum:

- (a) vertical distance of three (3) metres above the lid of the receptacle; and
- (b) horizontal distance of 500 millimetres from the sides of the receptacle clear of any structure, tree, shrub or any vehicle;

67.3.3 be placed with the side of the receptacle on which hinges securing the lid are located positioned facing the land; and

67.3.4 be placed out for collection no earlier than 5pm on the day before the scheduled collection day for that approved receptacle.

Penalty: 5 Penalty Units

- 67.4 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.

Penalty: 5 Penalty Units

- 67.5 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.

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

- 67.8 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.

Penalty: 5 Penalty Units

- 67.9 The occupier of land must ensure that an approved garbage receptacle, an approved green waste receptacle and a recycling receptacle are 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.

Penalty: 5 Penalty Units

- 67.10 The occupier of any land must not:

67.10.1 use; or

67.10.2 allow to be used

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

Penalty: 5 Penalty Units

- 67.11 If any loss of, or damage to, a receptacle is due to the neglect or deliberate act of any person, that person must pay:

67.11.1 a fee determined by Council or an authorised officer from time to time for the replacement of the receptacle; or

67.11.2 such part of the fee set under clause 67.11.1 as Council or an authorised officer determines.

- 67.12 Once waste has been collected by or on behalf of Council, the occupier of any land must:

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

67.12.2 remove any waste from a road or any Council land which has spilled from the receptacle supplied to the land which they occupy.

Penalty: 5 Penalty Units

68 Hard Rubbish and Green Waste Collection

- 68.1 Where Council or an authorised officer has given public notice that a hard rubbish or green waste collection will be made, or where other arrangements are made by Council to collect hard rubbish or green waste, any hard rubbish or green waste to be collected must be left out for collection in a neat, tidy, safe and orderly manner and in accordance with Council's or the authorised officer's directions.

Penalty: 5 Penalty Units

- 68.2 A person must not place, or cause or allow to be placed, any item (other than a receptacle) on a nature strip or other part of a road, except for the purposes of a hard waste or green waste collection provided by Council and in accordance with clause 68.1.

Penalty: 5 Penalty Units

69 Interference with Waste

- 69.1 A person must not:
- 69.1.1 without the consent of the occupier, deposit waste or other matter in any receptacle supplied to any land on which they do not reside; or
 - 69.1.2 without the consent of Council or an authorised officer, remove or interfere with any waste placed out for collection in a receptacle or any hard rubbish left out for collection in accordance with clause 68.1.

Penalty: 5 Penalty Units

- 69.2 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 the receptacle or trade waste hopper is unsightly, dangerous or detrimental to the general amenity of the neighbourhood in which it is located.
- 69.3 An owner or occupier of land to whom a direction is given under clause 69.2 must comply with that direction.

Penalty: 10 Penalty Units

70 Suspension of Waste Collection Service

- 70.1 If an occupier of land:
- 70.1.1 has persistently contravened; or
 - 70.1.2 is persistently contravening,
- any provision in this Part 8, Council or an authorised officer may suspend the provision of any waste collection service to the land.
- 70.2 If Council or an authorised officer suspends the provision of any waste collection service to land the suspension may be:
- 70.2.1 indefinite; or

70.2.2 for such a period as Council or the authorised officer specifies by a notice given to the occupier of land,

and, in either case, on such terms as are specified by Council or the authorised officer in any notice given to the occupier of the land.

71 Street and Other Litter

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

Penalty: 10 Penalty Units

71.2 A person must not sweep or otherwise deposit any leaves, garden clippings or like things into any gutter or other part of a road.

Penalty: 5 Penalty Units

72 Transportation of Waste

72.1 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:

72.1.1 constructed;

72.1.2 fitted;

72.1.3 loaded; and

72.1.4 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.

Penalty: 10 Penalty Units

73 Storage of Trade Waste

73.1 The owner and 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.

Penalty: 10 Penalty Units

74 Storage Site for Trade Waste

74.1 If directed by Council or an authorised officer, the owner of any land must ensure that any area where a trade waste hopper is placed:

74.1.1 has an impermeable surface;

74.1.2 is drained to an outlet approved by Council or an authorised officer;

74.1.3 is supplied with water from a tap and hose; and

74.1.4 is maintained in a clean, inoffensive and sanitary condition.

Penalty: 10 Penalty Units

75 Waste Management at Accommodation

75.1 The owner and the property manager of accommodation must ensure that the waste services provided at the accommodation are adequate for the number of occupants of, and the amount and type of waste generated in, that accommodation.

Penalty: 10 Penalty Units

75.2 If adequate waste services are not provided under clause 75.1, Council or an authorised officer may direct the owner and the property manager in writing to prepare a Waste Management Plan for the accommodation and submit it to Council for approval.

75.3 The owner and the property manager of accommodation on private land to whom a direction is given under clause 75.2 must comply with that direction.

Penalty: 10 Penalty Units

75.4 Once a Waste Management Plan is approved in respect of accommodation, the owner and the property manager must comply with that Waste Management Plan, unless given a written exemption from compliance by Council or an authorised officer.

Penalty: 10 Penalty Units

75.5 Clauses 75.1, 75.2 75.3 and 75.4 do not apply to any accommodation where the delivery of waste services is regulated by:

75.5.1 conditions in a planning permit applicable to the accommodation;

75.5.2 an existing Waste Management Plan approved by Council (other than a Waste Management Plan approved under this clause 75); or

75.5.3 requirements of the *Public Health and Wellbeing Act 2008* and associated regulations.

76 Waste Management Plans

76.1 If directed by Council or an authorised officer, an owner and occupier of land used primarily for commercial purposes must:

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

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

Penalty: 10 Penalty Units

**PART 9
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.

77 Impounding

- 77.1 An authorised officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
- 77.2 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.
- 77.3 An impounded thing must be surrendered to:
- 77.3.1 its owner; or
 - 77.3.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of their authority from the owner,
on
 - 77.3.3 evidence to the satisfaction of the authorised officer being provided of the owner's right to the thing; and
 - 77.3.4 payment of any fee determined by Council or an authorised officer from time to time.
- 77.4 Clauses 77.2 and 77.3 do 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.
- 77.5 If an impounded thing has not been surrendered 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:
- 77.5.1 sell;
 - 77.5.2 give away; or
 - 77.5.3 destroy
- the impounded thing.

78 Notices to Comply

- 78.1 Council or an authorised officer may, by serving a Notice to Comply, direct any owner, occupier or other person to remedy any thing which constitutes a breach of this Local Law.
- 78.2 A Notice to Comply issued under this Local Law must:

- 78.2.1 specify the thing in breach of the Local Law;
 - 78.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and
 - 78.2.3 state the time and date by which the thing must be remedied.
- 78.3 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:
- 78.3.1 the amount of work involved;
 - 78.3.2 the degree of difficulty;
 - 78.3.3 the availability of necessary materials or other necessary items;
 - 78.3.4 climatic conditions;
 - 78.3.5 the degree of risk or potential risk; and
 - 78.3.6 any other relevant matter.
- 78.4 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.

Penalty: 20 Penalty Units

- 78.5 Nothing in this Local Law
- 78.5.1 obliges Council or an authorised officer to serve a Notice to Comply; or
 - 78.5.2 precludes Council or an authorised officer from both serving a Notice to Comply and also serving an Infringement Notice or prosecuting for an offence.

79 Permits

- 79.1 Council or an authorised officer may issue a permit under this Local Law with or without conditions, or may refuse to issue the same.
- 79.2 Council or an authorised officer may from time to time prescribe:
- 79.2.1 the manner and form in which applications for permits under this Local Law should be made;
 - 79.2.2 the manner in which any permit under this Local Law should be issued; and
 - 79.2.3 the fee for any such permit.
- 79.3 Council or an authorised officer may waive payment of any fee for a permit.
- 79.4 Council must keep a register of permits.
- 79.5 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 the authorised officer.

79.6 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.

79.7 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.

80 Considering Applications

80.1 In considering an application for a permit, Council or an authorised officer may consider any:

80.1.1 policy or guideline adopted by Council relating to the subject matter of the application for the permit;

80.1.2 submission that may be received in respect of the application;

80.1.3 comments that may be made in respect of the application by any public body, community organisation or other person; and

80.1.4 other relevant matter.

81 Correction of Permits

81.1 Council or an authorised officer may correct a permit issued if the permit contains:

81.1.1 a clerical mistake or an error arising from any accident, slip or omission; or

81.1.2 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.

81.2 Council or the authorised officer must note the correction in the register of permits kept under clause 79.4.

82 Grounds for Cancellation of or Amendment of Permits

82.1 Council or an authorised officer may cancel or amend any permit if there has been:

82.1.1 a material mis-statement or concealment of fact(s) in relation to the application for a permit;

82.1.2 any material mistake in relation to the issue of the permit;

82.1.3 any material change of circumstances which has occurred since the issue of the permit;

82.1.4 a failure to comply with the conditions under which the permit was issued; or

82.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.

82.2 Council or the authorised officer must notify the holder of the permit of the intention to amend or cancel the permit and give the holder of the permit an opportunity to make a written submission before the permit is amended or cancelled.

82.3 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 kept under clause 79.4.

83 Exemption

83.1 Council or an authorised officer may exempt a person or a class of persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.

83.2 Any exemption:

83.2.1 must be in writing; and

83.2.2 may be subject to conditions.

84 Urgent Circumstances

84.1 If:

84.1.1 a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued;

84.1.2 the breach threatens a person's or an animal's life or health, any property or the natural environment; and

84.1.3 the circumstances are sufficiently urgent and the time necessary to serve and ensure compliance with a Notice to Comply may exacerbate that threat,

an authorised officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:

84.1.4 the reasons for taking the action; and

84.1.5 the action taken

to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

85 Offences

85.1 A person who:

85.1.1 contravenes or fails to comply with any provision of this Local Law;

85.1.2 contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or

85.1.3 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 the penalty stated under the provision that is contravened or, if no penalty is stated, five (5) penalty units.

85.2 Where a person is found guilty of an offence under this Local Law they will be liable to:

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

85.2.2 upon being found guilty of a second or subsequent offence, a penalty that is double the penalty stated under the provision that is contravened or 20 penalty units, whichever is the lesser.

86 Infringement Notices

86.1 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.

86.2 The penalties fixed for Infringement Notices are set out in Schedule 1.

86.3 If no penalty for an Infringement Notice is stated in Schedule 1, the penalty is two (2) penalty units.

86.4 Any person issued with an Infringement Notice may pay the penalty in the manner stated on the Infringement Notice.

87 Penalties

87.1 If no penalty is fixed for an offence against this Local Law, the maximum penalty is ten (10) penalty units.

88 Requirement to Act Fairly and Reasonably

88.1 In exercising any power under this Local Law, Council and an authorised officer must act fairly and reasonably and in proportion to the nature and extent of the breach of this Local Law.

89 Delegation

89.1 Pursuant to section 78 of the Act, Council:

89.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and

89.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

This Local Law was made by resolution of Council at a meeting held on [##INSERT DATE].

THE COMMON SEAL of MONASH CITY COUNCIL

was hereto affixed in the presence of :

.....

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Schedule 1

CLAUSE	PENALTY FOR INFRINGEMENT NOTICE (IN PENALTY UNITS)
11.1, 12.1, 13.2, 14.1, 15.1, 18.1, 20.1, 21.2, , 22.7, 26.1, 27.1, 29.1, 32.1, 33.1, 34.1, 34.2, 35.1, 38.1, 45.1, 46.1, 54.1, 55.1, 62.1, 62.2, 63.1, 63.2, 63.3, 64.1, 65.2, 66.1, 72.1, 73.1, 74.1, 75.1, 75.3, 75.4, 76	1
16.2, 40.2, 40.3, 67.1, 67.2, 67.3, 67.4, 67.5, 67.6, 67.7, 67.8, 67.9, 67.10, 67.12, 68.1, 68.2, 69.1, 69.3, 71.1, 71.2	0.5
17.1, 19.1, 19.2, 22.1, 22.5, 22.6, 22.9, 23.3, 23.4, 23.5, 23.6, 23.7, 23.10, 24.1, 25.1, 28.1, 28.3, 39.1, 43.1, 44.1, 44.2, 44.3, 48.1, 48.2, 48.4, 49.1, 50.1, 51.1, 52.1, 53.1, 78.4	2.5
28.1, 28.3, 41.1, 42.1	1.5
30.1, 31.1, 36.1, 37.1, 47.1, 47.2, 47.8, 56.1, 56.2, 57.1, 58.1, 59.1, 60.1	1.25