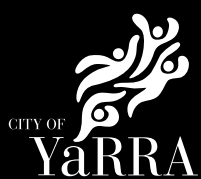


Community Local Law

2026



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Carols in the Park 2025 at Burnley Park

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Part 1

Preliminary

1.1. Title

This Yarra City Council Local Law is called 'Community Local Law'.

1.2. Principles

Principle of Order and Good Governance

The local law shall establish clear, consistent, and accountable provisions to secure the peace, order, and good governance of the municipal district. This is to enable Council operations to be conducted fairly with high standards of transparency and efficiency in the service of the public interest.

Principle of Accessible Places

The local law shall promote a physical and social environment that is **accessible**. This means best practice in access for people with disabilities as required by Universal Design Principles and specifically including the objective of maintaining a clear path of travel. This is to enable all residents and visitors to participate through universal access in public spaces. Permits will not be granted where required accessibility standards are not met.

Principle of Well-being and Inclusion

The local law shall promote a physical and social environment that is safe, inclusive, and free from hazards to health. This is to enable all residents of the municipal district to enjoy a quality of life that aligns with the general expectations of the community, while also safeguarding public health.

Principle of Community Amenity

The local law shall implement measures for preventing and enforcing amenity concerns which may reasonably and adversely affect the enjoyment of life within the municipal district or the health, safety, and welfare of persons. Furthermore, it shall provide reasonable support for the community and its activities, ensuring that the overall amenity of the municipal district is not unreasonably and adversely affected by regulated activities, actions, or omission.

Principle of Safety

The local law shall provide for the prohibiting, regulating, and controlling of activities which are, or have the potential to be, dangerous or unsafe or otherwise detrimental to the quality of life and the environment of the municipal district, thereby ensuring the long-term sustainability and protection of the municipality.

Principle of Economic Support

The local law shall, where applicable, be framed to support and facilitate the development of a dynamic and vibrant economic municipal district, balancing commercial activity with the need to protect accessibility, residential amenity and public safety.

1.3. Objectives

The objectives of this Local law are to:

- providing for the peace, order and good governance of the municipal district of Yarra City Council.
- promoting universal access in our public places and spaces.
- promoting a physical and social environment that is **accessible**, safe, inclusive and 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.
- preventing and suppressing 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.
- prohibiting, regulating and controlling activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the municipal district.
- promoting a dynamic and vibrant economic municipal district.
- provide support for the community to ensure that the amenity is not adversely affected.

1.4. Authorisation

This Local Law is made under the provisions of section 71 of the *Local Government Act 2020*.

1.5. Application

This Local Law applies and has operation throughout the whole of the municipal district.

1.6. Commencement

The Local Law commences on 27 September 2026, unless sooner revoked or extended. This Local Law will cease to operate 10 years after the date on which it commenced.

Upon this Local Law becoming effective, the General Local Law consolidated is revoked.

1.7. Penalty units

Penalty units determine the amount a person is fined when they commit an infringement offence.

Penalties for contravention of this Local Law will be calculated to the value of a penalty unit as per the *Monetary Units Act 2004* which is indexed on 1 July every year.

1.8. Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined as indicated:

Act	means the <i>Local Government Act 2020</i> or <i>Local Government Act 1989</i> .
Accessible	means best practice in access for people with disabilities as required by Universal Design Principles for the purposes of this Local Law.
Advertising sign	means any placard, board, sign, card or banner, whether portable or affixed or attached to any land, building, vehicle, or other thing, which provides information about the occupier of the land or building, a business or industry; or advertises goods, services, an event or a competition.
AFL Grand Final Day	means any day on which the Australian Football League stages the Grand Final.
Appointed agent	means a person authorised by an owner of land to make an application on the owner's behalf.
Asset protection permit	means a permit issued under clause 25 for the protection of assets or infrastructure during building work .
Asset protection permit bonds	means a bond, bank guarantee or like security required to be paid under an Asset Protection Permit .
Authorised officer	means any person appointed by the Council to be an Authorised officer under section 47 of the Act .
Builder	means a person who has applied to the Council (or any other person to whom an application may be made) for a building permit or the person in charge of any building work being carried out.
Building	includes any structure whether permanent or temporary or any part of a building or structure.
Building work	includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and includes any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods and the loading or unloading of any goods or materials for or in connection with any building work .
Busk (Busking)	means playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing, and engaging in miming or puppetry or any other performance for money, gifts or other reward, or without reward.
Caravan	includes a mobile home or moveable dwelling, but not a registered campervan under 4.5 metres in length.

Charity bin	means a bin designed for the collection of clothing and other items, and identified as such, for charitable or other purposes.
Chief Executive Officer	means the Chief Executive Officer of the Council or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on their behalf in relation to this Local Law.
Commercial dog walking activity	means the act of a person walking or exercising four or more dogs or other animal at a time. This definition applies regardless of whether the person is a registered business or a volunteer. An exception is made if all the dogs are registered in the person's name and they have an excess animal permit.
Commercial fitness activities	means any individual or group fitness activities involving a commercial fitness trainer who derives a payment or reward, either directly or indirectly, in connection with such fitness activities, and includes (but is not limited to): • gym sessions (with or without weights, fit balls, skipping ropes or other personal fitness equipment) • boxing and pad training • organised aerobic activity • yoga, tai chi and Pilates classes and like activities • circuit training • jogging • soccer and • a combination of any of the above.
Commercial fitness trainer	means a person who receives payment or reward for conducting commercial fitness activities.
Commercial Trade Waste Bin	means a purpose-built receptacle for the deposit of trade waste that is ordinarily emptied by mechanical means.
Commercial waste collection service	means a waste collection service provided by both private contractors and Council, and includes all waste types such as general waste, recycling, glass and organic material.
Council	means Yarra City Council.
Council land	means any land owned by, vested in or under the management or control of the Council, including reserves, parks, footpaths, watercourses, reservations and the like, but excludes a road.
Domestic waste bin	means a bin or mobile bin of any type and size approved by Council or an Authorised officer and receives a waste collection service .
Drainage	means the system of structures, networks, and facilities designed to manage and remove water, both surface runoff and subsurface water, from a specific area. This includes various components like drains, pipes, channels, kerbs, laneways, and related structures that work together to convey water away from developed areas, preventing flooding and waterlogging.

Dwelling	includes a building used as a self-contained residence with a kitchen sink, food preparation facilities, a bath or shower and a closet pan and wash basin and includes out-buildings and works normal to a dwelling.
Emergency services	means a body, corporation or person deemed to be an “emergency service” by the Council or an Authorised officer from time to time.
Event	means a festival or other event prescribed by Council.
Exclusion zone	means any of the following areas within a recreational reserve: • 10 metres from any memorial • 10 metres from any playground or play equipment • 10 metres from any public change room, toilet or kiosk area • 15 metres from any residential dwelling • any sports field or facility without a specific booking • stairways and pathways • picnic sheds and benches
Footpath	includes every footway, footpath, lane or other place within the municipal district used by pedestrians but excludes a road.
Footpath trading permit	means any agreement (by way of a lease, permit, licence or otherwise) between the Council and a person under which that person is authorised to occupy a site specified in that agreement for the purpose of displaying goods, placing an Advertising sign , or placing a seat, umbrella, table, chair, screen, heater or other furniture on that site or placing, constructing or fixing any semi-permanent or permanent structure on that site.
Heavy motor vehicle	has the meaning ascribed to it by the Road Safety Act 1986.
Incinerator	includes a structure, device or piece of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and which is not enclosed in any building, a barbecue or licenced.
Litter device	means a device suitable for the purpose of collecting, removing and disposing of an animal's faeces and includes a paper or plastic bag.
Liquor	has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Minor Building work	means building work valued at less than \$5,000.00 but excludes demolition and removal of buildings and structures.
Minor residential works	means any residential maintenance at the discretion of Council (such as but not limited to, painting a front fence or hedge trimming) and excludes home renovations, developments, or constructing new fences.
Motor vehicle	has the meaning ascribed to it by the Road Safety Act 1986.

Municipal district	means the municipal district of the Council.
Noxious weeds	means any noxious weeds as defined under the Catchment and Land Protections Act 1994 which includes invasive weeds.
Occasional Event	means a gathering of 50 or more persons, including where a sound producing device will be used or where dancing or the playing or performing of amplified music is the predominant activity (such as a rave or dance party).
Penalty unit	has the same meaning as it has in the Sentencing Act 1991.
Permit	means a permit in writing issued by an Authorised officer or Council.
Planning scheme	means the Yarra Planning Scheme as amended from time to time.
Plant and equipment	means any machinery, tools, or apparatus used for construction, building, or other works.
Poultry	includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age.
Prescribe	means determine by resolution.
Prescribed area	means a public place (or part of a public place) prescribed by the Council under Part 7.
Private land	means land that is not Council Land or non-residential land occupied, managed or controlled by a public authority.
Public body	means any government department or municipal council or body established for a public purpose by legislation.
Public place	has the same meaning in the Summary Offences Act 1966 but does not include land owned or managed by Parks Victoria.
Recreational reserve	means any land within the municipal district that is owned, occupied or controlled by the Council and is dedicated or used for cultural, recreational or entertainment purposes and includes Council's parks and gardens.
Reserve	means any area of open space owned by, vested in or under the management or control of Council, and includes parks and gardens.
Road	has the meaning as in section 3 of the Act.
Security bond	means a payment or guarantee made to council for the purposes of defraying costs to repair damage to assets or as required under the Local Law.
Service authority	means a body or corporation deemed to be a “service authority” by the Council or an Authorised officer from time to time.
Shopping trolley	means a wheeled receptacle supplied by a retailer of goods to enable persons purchasing any of those goods to transport them from one place to another.

Significant tree	means a tree which meets one or more of the following criteria. • the tree is single trunked with a trunk diameter of 400 mm or greater measured at 1500 mm (1.5m) above the ground • the tree is multi-trunked with a combined trunk diameter of 400 mm or greater at 1500 mm (1.5m) above the ground • the tree is individually listed on the significant tree register • the tree is one of a group of trees listed on the significant tree register • the tree is single trunked with a trunk diameter of 400 mm or greater measured at ground level • the tree is multi-trunked with a combined trunk diameter of 400 mm or greater measured at ground level
Significant tree register	means a register of trees of cultural significance to the Council, which is kept and maintained by Council.
Skip bin	means a bin, skip, or bulk rubbish container or other similar container used for the deposit of waste but excludes domestic waste bins or commercial trade waste bins .
Storm water system	means storm water system which provides for the conveyance of storm water run-off including kerb and channel, open channels, underground pipe systems and natural waterways.
Toy vehicle	means a vehicle, built to transport a person and designed to be propelled by human power or gravity, and ordinarily used for recreation or play and includes roller skates, roller blades, a skateboard or similar wheeled device, but does not include a pram, stroller or trolley, or bicycle or wheelchair but includes a drone notwithstanding it does not transport a person or is propelled by human power or gravity.
Trade waste	means any waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.
Traffic control item	means any sign, mark, structure or device displayed, placed or erected for the purpose of controlling, directing, guiding, regulating or warning drivers, cyclists or pedestrians, and includes a traffic control signal
Traffic control signal	means a device, however, operated, which uses words symbols, lights or other means to control or regulate traffic.
Trailer	has the same meaning as in the <i>Road Safety Act 1986</i>
Vehicle	has the same meaning as in the <i>Road Safety Act 1986</i>
Vehicle Parking Permit Holder	means the person to whom a Vehicle Parking Permit has been issued by Council in accordance with a Resident Parking Scheme established pursuant to Schedule 11 to the Act

Vehicle Parking Permit	means a Vehicle Parking Permit issued by Council in accordance a Resident Parking Scheme established by Council pursuant to Schedule 11 to the Act to regulate motor vehicle parking, and includes a Visitor Permit
Visitor	means a person visiting a property for which a Visitor Permit has been issued.
Visitor permit	means a Vehicle Parking Permit issued for use in respect of a vehicle used by a person visiting at the place of residence of a Vehicle Parking Permit Holder.
Watercourse	means a river, creek, stream, or natural/artificial channel, in which water flows permanently or intermittently.
Waste	has the same meaning as Section 3 of the <i>Environmental Protection Act 2017</i> .
Kerbside waste collection service	means a waste collection service provided by Council, and includes all waste types such as general waste, recycling, glass and organic material.
Waste management plan	means a plan prepared in accordance with the waste management guidelines that deals with waste minimisation for Building works and means, a plan that denotes waste management strategies for commercial premises to the satisfaction of Council's Authorised officers when directed to be provided or conditioned on a permit.
Wheeled recreational vehicle	means any minibike, trailbike, motorbike, motor scooter, go-cart or other vehicle propelled by a motor which is normally used for recreational purposes, but does not include a motorised wheelchair, electric bicycle or e-scooter.

Part 2

Looking After Your Property

This part aims to maintain the safety, accessibility, appearance, and environmental quality of our entire neighbourhood by setting clear provisions for how private property is managed. It includes things such as controlling vegetation, unsightly properties, managing all forms of domestic and commercial waste, and regulating activities such as tree removals, open-air burning to protect the amenity of the community.





2.1. Displaying property numbers

- (1) The **Council** or an **Authorised officer** can assign or change property numbers for any allotment.
- (2) If your allotment has been assigned a property number, you, as the **owner** or occupier, must clearly display this number. The number needs to be:
 - (a) free from obstruction by vegetation or anything else
 - (b) at least 80mm in size
 - (c) made of durable materials
 - (d) kept in good repair and renewed as needed
- (3) You cannot display any property number on an allotment unless it has been officially assigned by the **Council** or an **Authorised officer**.



2.2. Overhanging vegetation

- (1) An owner or occupier of **private land** must ensure that no vegetation on their land obstructs the clear view of drivers or pedestrians to other pedestrians, vehicles, or **traffic control items**.
- (2) An owner or occupier of **private land** must ensure that no vegetation from their land encroaches on a **road, footpath** or **Council land** at a height less than 2.4 metres from the surface of the **road, footpath** or **Council Land**.



You must trim any trees or plants on your property, so they don't block the view of drivers or pedestrians. Also, make sure vegetation doesn't hang lower than 2.4 metres over any road, footpath or Council land, as this ensures everyone can pass safely



2.3. Significant trees

- (1) A person must not, without a **permit**, remove, damage, destroy or lop a **significant tree**.



Under the **Planning Scheme**, you may require a planning permit to remove, lop or destroy a significant tree.

- (2) In assessing an application for a **permit** in relation to **significant tree** removal, an **Authorised officer** must take into consideration the following:
 - (a) The tree is damaged, diseased, dead or in decline and further remedial action is unlikely to be effective in saving the tree.
 - (b) The tree has a significant structural fault, identified by a qualified arborist that cannot be remedied by appropriate techniques.
 - (c) The tree is an immediate threat to the health or safety of any person, or poses a serious, documented health risk that cannot be rectified by pruning or other methods.
 - (d) The tree has caused, is causing, or is likely to cause, substantial damage to property (including that of public utilities) and the estimated cost of ongoing repairs outweighs the value of the tree, and there is no reasonable alternative to solve the problem.
 - (e) The works must be carried out in order to comply with any obligation imposed at law (e.g. any Act, Court order, etc.).
 - (f) The tree has been identified under a planning permit plan approved by the Council as requiring removal in order to implement that plan.

- (g) Construction of one or more new buildings on a site where the applicant can demonstrate to the Council's satisfaction that:
 - (i) the proposed works cannot be redesigned, or the use of particular building techniques are not feasible in order to protect the buildings; and
 - (ii) that appropriate arboriculture techniques as detailed in the submission of an Arborist report cannot be employed, in order to retain the tree.
- (3) If a **significant tree** is removed, damaged, destroyed or lopped without a **permit**, the owner of the land on which the **significant tree** is located is guilty of an offence, whether the person who interfered with the tree is identified.
- (4) The requirement to obtain a **permit** under sub-clause 2.3(1) does not apply to:
 - (a) where a person cuts, trims or prunes a tree to ensure compliance with any other provision of this or any other statutory authority; or
 - (b) where **Council** is lopping, destroying, damaging or removing a significant tree that is a **Council tree**.



2.4. Unsightly property

- (1) An owner or occupier of **private land** must ensure that the **private land** and any **building** or other structure on the private property:
 - (a) is not a danger, or likely to be a danger, to the health or property of any person
 - (b) does not contain weeds or grass in excess of 150mm in height
 - (c) does not contain unconstrained waste on the land
 - (d) is not a harbourage for vermin
 - (e) does not have an accumulation of building waste and materials

- (f) does not have **noxious weeds** or invasive weeds on the land

- (2) An owner or occupier of **private land** must take reasonable steps to prevent the **private land** or any **building** or structure on that land from becoming dilapidated or unsightly at the discretion of an **Authorised officer**.



2.5. Fencing and securing of land

- (1) If the **Council** or an **Authorised officer** reasonably believes that vacant land is unsightly, has waste dumped on it, or is dangerous, or that a dilapidated **building** exists on any land, they may, by written notice, direct the owner or occupier of that land to:
 - (a) erect, repair, replace, or modify fencing to enclose the land or
 - (b) secure or better secure the **building**.
- (2) A notice issued under this clause may specify the material, height, and other dimensions for any fencing that needs to be erected.
- (3) The owner or occupier of the land must comply with the notice and perform any specified work within the time specified in the notice.



2.6. Dilapidated building

- (1) The owner or occupier of any land must not allow any **building** or other structure on the land to become dilapidated or be in a state of disrepair in which a **Council** building surveyor or a private building surveyor has issued a notice which deems the **building** unsafe, dangerous or in a state of significant structural or external deterioration.



2.7. Storage, repairs and camping

- (1) Unless permitted by the **Planning Scheme**, a person must not, without a **permit**, use any land to store, assemble, or dismantle old, used, or second-hand machinery, **vehicles**, materials, or goods in a manner that detrimentally affects the amenity of the neighbourhood.
- (2) A person must not repair a **motor vehicle** on any land, other than a **motor vehicle** registered in the name of or owned by a person who is a resident of the land.
- (3) Unless permitted by the **Planning Scheme**, an owner or occupier of **private land** must not, without a **permit**, place or allow the occupation of any **caravan**, tent, or similar structure for the purposes of occupation. Furthermore, no person shall occupy or cause to be occupied any such structure without a **permit** or unless authorised under the **Planning Scheme**.
- (4) A person must not, without a **permit**, camp in or on any **public place** in a vehicle, tent, **caravan** or any type of temporary or provisional form of accommodation.
- (5) The registered owner of a vehicle used for the purpose of camping in contravention of sub-clause (4) is guilty of the same offence as the person who contravenes sub-clause (4).
- (6) **Council** may exempt any person or group of persons from obtaining a **permit** for camping under the Local Law at the discretion of an **Authorised officer**.



2.8. Domestic waste bins



The following clauses apply to the owner or occupier of every dwelling or and other land which Council provides a kerbside/waste collection service. They outline the requirements on how to use and look after your bins.

- (1) The owner or occupier of **private land** or other land to which the **Council** provides a **kerbside waste collection service** must:
 - (a) maintain all **domestic waste bins** in a clean and sanitary condition suitable for collection and in a tidy manner so as not to cause any health risk or be offensive to any person or detrimentally affect the surrounding area.
 - (b) not be placed so that it creates an obstruction or other safety related issue.
 - (c) ensure that each **domestic waste bin** is not overfilled thereby preventing the lid from being completely closed.
 - (d) remove any waste which has spilled from a **domestic waste bin** onto any **road, footpath or Council land**
 - (e) not place out more than the Council allocated **domestic waste bins**.
 - (f) not use a **domestic waste bin** for any other purpose other than the deposit of the relevant waste.
 - (g) not cause damage or destroy any **domestic waste bins**.
 - (h) not place any items that may contaminate or are not the intended waste for that domestic waste bin.
- (2) The owner or occupier of **private land** must not, without a permit, place a domestic waste bin on a road, footpath or Council land for longer than twenty four (24) hours before collection or after the scheduled collection.



2.9. Collection of domestic waste bins



The following clauses apply to the owner or occupier of every dwelling or and other land which Council provides a kerbside/waste collection service. They outline the requirements on placing your bins out and bringing them in, keeping them on private land.

- (1) The owner or occupier of **private land** or other land to which the **Council** provides a **kerbside waste collection service** must:
 - (a) ensure that all **domestic waste bins** are placed out for collection no more than twenty four (24) hours before the scheduled collection and be returned to **private land** no later than midnight on the day of collection.
 - (b) ensure all **domestic waste bins** are kept on the **private land** other than when placed out for collection.
 - (c) ensure the **domestic waste bins** are placed on the adjacent **footpath** or nature strip, unless **Council** or an **Authorised officer** directs that the **domestic waste bins** to be placed in another position.
 - (d) not place out for collection any **domestic waste bins** that impedes a pedestrian, **vehicle** or **kerbside waste collection service**.



2.10. Hard waste

- (1) The owner or occupier of **private land** to which the **Council** provides a hard waste collection service must:
 - (a) place out for collection any hard waste in a manner set by the **Council**.
 - (b) not place out for collection any hard waste on a nature strip or **Council land**, except were approved to do so by an **Authorised officer** of **Council** or part of an authorised hard waste collection of **Council**.
- (2) A person must not, unless authorised, remove or interfere with any waste placed out for collection for hard rubbish.
- (3) For the purposes of clause (2), a person is deemed to be authorised to remove an item of hard waste if the removal is for the purpose of reuse or repurposing, provided that the person leaves the remaining waste neat and undisturbed.
- (4) A person must not place a disused refrigerator, an ice chest, an ice box, a trunk, a chest or any other similar item with a compartment having a capacity of 0.04 cubic metres or more on any **road, footpath** or **Council land**, or other public place or unfenced vacant land, without having first removed from it every door, lid, lock, catch and hinge attached to a door or lid or rendered every door and lid incapable of being fastened, and only if approved to do so by an **Authorised officer** of Council or part of an authorised hard waste collection of **Council**.



2.11. Commercial trade waste bins



The following clauses apply to all businesses that use commercial trade waste bins, detailing the requirements for safe storage, maintenance, and the short window allowed for placing them on public land for collection to ensure accessibility standards are being met.

- (1) A person must not, without a **permit**, place a **commercial trade waste bin** on a **road**, **footpath**, or **Council land** for longer than three (3) hours before the scheduled collection time and must return it to the private property no later than three (3) hours after it has been emptied.
- (2) A person must not place any commercial trade waste in a public waste or **domestic waste bin**.
- (3) The owner or occupier of any land that uses a **commercial trade waste bin** must ensure the lid of the **commercial trade waste bin** is closed at all times.
- (4) An occupier of land that uses a **commercial trade waste bin** must repair any damage, caused by the placing or emptying of the **commercial trade waste bin**, to any vehicle crossing, road, footpath, kerb or drain.
- (5) All **commercial trade waste bins** must comply with the following requirements:
 - (a) be kept in a clean and sanitary condition at all times
 - (b) not allow any discharge of waste, including liquid.
 - (c) be kept free of graffiti.
 - (d) be maintained in a condition fit for its purpose.
 - (e) be replaced if damaged.
 - (f) be kept in a manner to ensure easy movement and not to damage **Council** assets
 - (g) clearly identify the owner of the **commercial trade waste bin**
- (6) The owner or occupier of any land must ensure that any **commercial trade waste bins** kept on the land are constructed and maintained in accordance with any requirements specified by an **Authorised officer**.
- (7) **Council** or an **Authorised officer** may direct an owner of land that receives a **commercial trade waste collection** to provide a **waste management plan**, to the satisfaction of an **Authorised officer**, that outlines:
 - (a) describe how and where waste will be stored
 - (b) outline how and when waste will be collected
 - (c) include steps to reduce waste generation
 - (d) confirm compliance with relevant laws and policies
 - (e) detail how trade waste will be managed
 - (f) provide staff training on waste handling
 - (g) explain how the plan will be reviewed and updated



If asked by **Council** or an **Authorised Officer**, you must provide a detailed **Waste Management Plan** to show exactly how and where your business will store, collect and handle its waste.



2.12. Collection of commercial trade waste bins

- (1) A person must not collect any trade waste from any **commercial trade waste bin**:
 - (a) before 7am or after 8pm Monday to Saturday
 - (b) before 9 am or after 8pm on any Sunday and public holidays.
- (2) A person must not place a **commercial trade waste bin** in a manner that may cause obstruction or danger to any pedestrian or vehicle on a **road, footpath** or **Council land**.



Commercial trade waste bins can only be collected between the above permitted hours and must never be placed where they can obstruct or pose a danger to pedestrians or traffic.

- (3) Sub-clause (1) does not apply to **Council** providing a **commercial trade waste collection** throughout the municipality.



2.13. Storage and screening for bins

- (1) The **owner** or occupier of any land must, if directed by Council or an **Authorised officer**, comply with any direction.
- (2) Council or an **Authorised officer** may direct an owner of land to carry out work where a **commercial trade waste bin** is kept:
 - (a) to have a floor of an impermeable surface
 - (b) is drained to an outlet approved by the Council or an **Authorised officer**
 - (c) is supplied with water from a tap and hose and
 - (d) is maintained in a clean and sanitary condition.

- (3) The 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 domestic waste bin or **commercial trade waste bin** from public view if it is unsightly, dangerous or detrimental the amenity of the neighbourhood.
- (4) A person must comply with a notice issued to them under sub-clause (3) within any time specified in the notice.



2.14. Deliveries to commercial premises

- (1) A person must not without a **permit**, deliver or collect goods or provide a service to a commercial business or allow a refrigeration unit mounted on a vehicle to run:
 - (a) After 10 pm on any day
 - (b) Before 7 am on a Monday to Saturday (inclusive); and Before 9 am on a Sunday or Public Holiday.
- (2) A person who delivers goods such as bread, milk, papers or similar goods to a commercial premises and the goods are required by the proprietor of the commercial premises as part of preparation prior to the opening of the premises are exempt from sub-clause (1).



2.15. Awnings and verandahs for advertising

- (1) Unless permitted under the Planning Scheme applicable to the land on which the building is located, a person must not, without a permit, attach or allow to be attached any **advertising sign**, banner, flag, bunting or like decoration, to an awning or verandah on a building which is not a dwelling.



2.16. Open air burning

- (1) A person must not, without a permit, light a fire, or allow a fire to be lit or remain alight in the open air.
- (2) The restriction in sub-clause (1) does not apply to:
 - (a) a permanent or portable gas barbecue, solid fuel barbecue, pizza oven or other properly constructed appliance for the purpose of cooking food.
 - (b) a fire in a chiminea, properly constructed fireplace or firepit for the purpose of outdoor heating
 - (c) a person using a tool of trade whilst using that tool for the purpose for which it is to be used.
- (3) A person must not burn or allow to be burned any substance on any land within the municipality if it is likely to cause a risk of fire or endanger any person or animal.
- (4) A person must not use an incinerator or allow an incinerator to be used on private land
- (5) A person must not use a permanent or portable gas barbecue, solid fuel barbecue, pizza oven or other properly constructed appliance for the purpose of cooking food, in a manner which endangers or causes a nuisance to a person or damage to property.
- (6) A person must not burn or cause or permit to be burned:
 - (a) any substance in the open air, if the burning of the substance will, or is likely to, cause a nuisance, be dangerous to health or any person or be offensive to any person; or
 - (b) any rubber, plastic, waste petroleum, oil, or waste petroleum oil, paint or receptacle which contains or did contain paint, manufactured chemical, pressurised can, textile fabric or food waste.

- (7) A person who has lit or allowed a fire to remain alight contrary to this Part, or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:
 - (a) an **Authorised officer**, if the officer reasonably suspects that a contravention has occurred
 - (b) a member of the Victoria Police acting in the course of their duties; or
 - (c) an employee of Fire Service Victoria or other relevant authority, acting in the course of their duties.



2.17. Bees and Wasps

- (1) An owner or occupier of any land on which has a wasp nest, or a bee swarm must remove that wasp nest or bee swarm.



This does not apply to apiarists (also known as a beekeeper) that is permitted to keep bees to produce honey, beeswax and other bee products. Apiarists will require a permit under the Local Law, see clause 5.2(2) for more information.



2.18. Minor Residential Works

- (1) An owner or occupier must notify **Council** prior undertaking **minor residential works** on a **footpath, road** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Minor Residential Works applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

Part 3

Activities on Council land

This part aims to enhance safety, accessibility and shared enjoyment of public places by regulating commercial and organised activities such as outdoor dining, roadside trading, occupying Council land and events. It also covers provisions that assist with certain types of noise and protecting Council assets from interference or damage.





3.1. Outdoor dining, goods displays and signs

- (1) A person must not, without a permit, display or place any goods, **advertising signs** or outdoor dining furniture on a **road, footpath** or **Council land**.
- (2) A person must not, without a **permit**, construct, occupy, use or allow to be used any semi-permanent or permanent structure, including a parklet, on a **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Footpath trading applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (3) If a use of a **road, footpath** or **Council land** is described in sub-clause (1) or (2), authorised by a permit, and is associated with the use of adjoining land, then for the purpose of the **Planning Scheme**, the use is considered to be authorised by **Council**, no planning permit is required.
- (4) Sub-clause (1) and (2) does not prevent a person from placing a seat, umbrella, table, chair, or other furniture in a recreational reserve if the area is designed for such placement and the use is for temporary recreation while the person is present.

- (5) A person who has placed or displayed, or permitted to be placed or displayed, goods, an **advertising sign**, outdoor dining furniture, or any semi-permanent or permanent structure on a **road, footpath**, or **Council land**, even with a permit, must remove them if directed by an **Authorised officer**, a member of Victoria Police, or a member of an emergency service.
- (6) A person must not allow or cause to be allowed the display of a sign, which advertises the leasing of a building or land, more than fourteen (14) days after the date of the lease of the building or land.



3.2. Roadside trading

- (1) A person must not, without a **permit**, erect or place on any **road, footpath** or **Council land** any **vehicle, caravan**, animal, trailer, table, stall, tent or other similar item or structure for the purposes of selling or offering for sale any goods or services.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Roadside Trading applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (2) If a use of a **road, footpath** or **Council land** is described in sub-clause (1), authorised by a **permit**, and is associated with the use of adjoining land, then for the purpose of the **Planning Scheme**, the use is considered to be authorised by **Council**, no planning permit is required.



3.3. Street collections, spruiking and distribution

- (1) A person must not, without a **permit**, cause, allow or authorise another person to do so, from a **road, footpath, Council land** or from door to door:
 - (a) solicit or collect any gifts of money, or subscriptions
 - (b) spruik, sell, tout or solicit the sale of any goods or services;
 - (c) distribute any handbills, information brochures, books, pamphlets, place cards, notices, advertisements, goods, gifts or samples



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Street collection, spruiking or distribution applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (2) Sub-clause (1) does not apply to a person participating in highway collections approved under Road Safety Act 1986.



3.4. Busking

- (1) A person must not, without a **permit**, **busk** or use any sound amplification equipment for the purpose of public entertainment or performance on any **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Street collection, spruiking or distribution applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



3.5. Commercial fitness activities

- (1) A **commercial fitness trainer** and persons participating in **commercial fitness activities**, must not:
 - (a) conduct the **commercial fitness activities** in contravention of any **Council** conditions
 - (b) conduct the **commercial fitness activities** in an **exclusion zone**
 - (c) conduct the **commercial fitness activities** before 7am or after 9pm.
 - (d) use amplified music or audio when conducting a **commercial fitness activity**
- (2) A **commercial fitness trainer** conducting **commercial fitness activities** and persons participating in **commercial fitness activities** in a recreational reserve must not engage in aggressive or intimidating behaviour or cause a nuisance.



3.6. Commercial dog walkers

- (1) A person must when conducting a commercial dog walking activity of exercising dogs or other animals, on any Council land or in any public place:
 - (a) maintain effective control of dogs or other animals at all times and
 - (b) must not have more than four (4) dogs or other animals exercised or walked by a person at any one time.
- (2) A person walking four (4) or more dogs for the purpose of this clause will be deemed as undertaking a commercial dog walking activity, regardless of whether they are a registered business or volunteer unless all the dogs are registered in their name and they have an excess animal permit.



Commercial dog walkers can only walk a maximum of four (4) dogs per person, unless every dog belongs to you and you have an excess animal permit. Both commercial dog walkers and owners must always maintain full control.



3.7. Charity or clothing bins

- (1) A person must not place, or cause or allow to be placed, a **charity** or **clothing bin** on any **road, footpath, or Council land**.
- (2) A charity or clothing bin placed on private land must be maintained by the owner or occupier in a clean and sanitary condition and must not affect the amenity of the area.



Charity or clothing bins are not allowed on any public street or footpath; they must be kept on private land. If a bin is on private land, the owner must keep it clean and tidy.



3.8. Electoral and political advertising or campaigning

- (1) A person must not erect, place, or allow electoral or political signage on any part of a road, footpath or Council land in any way or authorise another person to do so.
- (2) Where any place an electoral or political sign is erected or placed in any location contrary to this clause, and the owner of the sign is unwilling or is not immediately available to remove the sign, the electoral or political sign may be removed by an **Authorised officer** and impounded.
- (3) Any signage subject to a **Planning Scheme** permit is exempt from this clause.
- (4) A person must not, without a permit, distribute flyers, brochures or material, display signage including advertising frames, banners or flags or place stalls, tables, information displays or similar installations on road, footpath or Council land, or authorise another person to do so, for the purposes of electoral or political campaigning.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Electoral and political advertising or campaigning applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



3.9. Other activities on Council land

- (1) A person must not, without a **permit**, do any of the following activities on Council land:
 - (a) fly or permit to be flown any aircraft, including drones or model planes.
 - (b) launch or land a hot air balloon.
 - (c) do anything in a manner or in a place which is likely to damage any grassed area, vegetation, flora, fauna or turf surface or otherwise interfere with the use of the Council land by another person
 - (d) light a fire or permit any fire to remain alight, except in a barbecue provided by the Council or a barbecue using a portable gas bottle
 - (e) play, organise, practice or engage in any organised competitive sport or game
 - (f) play or practice golf
 - (g) construct any line, string, rope or other similar thing to any tree or other object
 - (h) camp, pitch, erect or occupy any camp, tent, **caravan** or temporary structure
- (2) A person who is on **Council land** must not fail to comply with any direction or requirement specified on a sign erected by the **Council** or an **Authorised officer** or behave or carry on an activity which unreasonably interferes with any other person using the **Council land**.



Always look for a sign or seek information before doing any organised or potentially disruptive activity or attaching anything to trees on public or **Council land**.

- (3) Sub-clause (1)(b) does not apply to a person who lands on Council land, road or footpath in a hot air balloon because of an emergency landing.



3.10. Noise in parks and gardens

- (1) A person who is in or on any Council land must not, without a **permit**, use any:
 - (a) an amplifier or speakers, where the sole or primary purpose is to generate sound audible over a wide area
 - (b) drum or other form of percussion instrument
 - (c) megaphone, loudhailer or other similar device
 - (d) vehicle radio audible to any person outside the vehicle
 - (e) any device that produces sound at a volume that can be heard in a habitable room of a dwelling in the area of the Council land.
- (2) A person who is in or on any Council land must not, without a permit, play or operate any device that produces a sound so that the sound is heard within a habitable room of any dwelling.



3.11. Occasional events

- (1) A person must not, without a **permit**, conduct an **occasional event** in **Council land**.
- (2) A person must not, without a **permit**, conduct or celebrate a wedding on **Council land**.



3.12. Circuses, carnivals and festivals

- (1) Unless permitted under a **Planning Scheme** a person must not, without a **permit**, hold or permit to be held, a circus, a carnival, or a festival on any land.
- (2) Sub-clause (1) does not apply to the **Council** in respect of any festival it conducts on land in the municipal district.



3.13. Occupation for works or events

- (1) A person must not, without a **permit**, or allow or suffer another person, without a permit, to do any of the following on any **road** or **footpath** or part of a **road** or **footpath**, or on any **Council land**:
- (a) occupy or fence off
 - (b) leave or store building or construction material
 - (c) erect a hoarding or scaffolding
 - (d) use any **plant or equipment**
 - (e) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Occupation for works or event applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



3.14. Occupation for filming or other activities

- (1) A person must not, without a **permit**, occupy or allow the occupation of any **road**, **footpath** or **Council Land** for the purposes of filming for commercial purposes or public exhibition or the placement of any equipment associated with such an activity, street parties or other like event.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Occupation for filming or other activity applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (2) Any contradiction of sub-clause (1) by an individual who is an owner of residential land, other than an individual who is carrying out **building work** to develop residential land for sale, is liable to an infringement penalty half that specified in Schedule 1.

Part 4

Vehicles, roads and footpaths

This part aims to enhance public safety, accessibility, and quality of life in our community by setting clear rules for vehicles, roads, and footpaths. This includes controlling issues like obstructions, vehicle noise, heavy vehicle storage, and the correct use of parking permits, while also protecting our roads and drainage systems from damage.





The operator onus provisions under Part 6AA of the Road Safety Act 1986 apply to this part of the Local Law which involves vehicles.



4.1. Heavy motor vehicle

- (1) Unless permitted under the **Planning Scheme** applicable to the land, the owner or occupier of any land must not, without a **permit**, keep or allow to be kept a **heavy motor vehicle** on any land in a residential area.



4.2. Noisy vehicles

- (1) A person must not leave the engine of a **heavy motor vehicle** running while the heavy motor vehicle is stationary, except for a period of five (5) minutes:
- (a) immediately after the **heavy motor vehicle** has stopped moving; or
 - (b) immediately before the **heavy motor vehicle** is to start moving
- (2) A person must not allow a refrigeration unit mounted on a **vehicle** to run between the hours of 7pm and 7am while the **vehicle** is parked or standing on any **road** located in or abutting an area zoned as residential or predominantly residential under the **Planning Scheme**.
- (3) Sub-clause (1) and (2) does not apply to a person employed by a service authority, an **emergency service** or the **Council** while acting in the course of their duties.



4.3. Repair and display of vehicles

- (1) A person must not paint, service, carry out maintenance on or perform any work on or display for sale in the course of a business for the sale of **vehicles**, a **vehicle** on a **road** or **Council land**.

- (2) Sub-clause (1) does not apply if maintenance or work is carried out to enable a **vehicle**, which has broken down, to be removed from the **road**, **footpath** or **Council land**.
- (3) Notwithstanding the exception in sub-clause (2), a person commits an offence if the **vehicle** is within 100 metres of premises occupied by that person or that person's employer for the purposes of motor repairs or panel beating.



4.4. Parking permits



Councils current Parking Permit Policy outlines eligibility and permit conditions. Council parking permits are only for the permit holder and legitimate visitors. They must not be sold, lent, given away, or forged.

- (1) This Part applies to Vehicle Parking Permits issued by the Council under a Resident Parking Scheme established pursuant to the **Act**. This Part operates in conjunction with and does not derogate from any **Council** policies or conditions related to the operation of Resident Parking Schemes. A decision not to enforce this Part does not affect the **Council's** power to enforce its policies or **permit** conditions.
- (2) A vehicle parking permit holder must not, other than use by a legitimate visitor:
- (a) sell or offer to sell a vehicle parking permit
 - (b) give away for no charge, or offer to give away for no charge, a vehicle parking permit
 - (c) lend or licence, or offer to lend or license a vehicle parking permit
 - (d) otherwise allow a vehicle parking permit to be used by any person other than a vehicle parking permit holder.

- (3) A person, other than a legitimate visitor using a visitor permit, must not:
 - (a) purchase or induce to purchase a vehicle parking permit from any vehicle parking permit holder or other person
 - (b) otherwise receive, or induce to receive, whether for a charge or not, a vehicle parking permit from any vehicle parking permit holder or other person
 - (c) accept or induce a lent or licensed vehicle parking permit any vehicle parking permit holder or other person
 - (d) otherwise use or attempt to use a vehicle parking permit in instances where he or she is not the relevant vehicle parking permit holder.
- (4) A person must not, forge or counterfeit a vehicle parking permit or knowingly use, deal with or tender a false vehicle parking permit.



4.5. Vehicles in reserves

- (1) A person or registered owner of the **vehicle** must not, without a **permit**, on any **recreational reserve**, drive a **vehicle** into or onto a **recreational reserve** or allow a **vehicle** which they are the owner, or otherwise in charge of, to remain in or on a **recreational reserve**.
- (2) Sub-clause (1) does not apply to:
 - (a) bicycle or e-bicycle, e-scooter, wheelchair, mobility scooter, child's toy vehicle, pram or similar devices
 - (b) a **Council** staff member, a member of the Victoria Police or other **emergency services** acting in the course of their duties
 - (c) or in accordance with any applicable Act or regulation.
- (3) Where damage is caused to a **recreational reserve** in breach of sub-clause (1), **Council** may institute proceedings to recover the costs incurred by or on behalf of the **Council** in rectifying the damage caused.



4.6. Toy vehicles

- (1) A person must not or allow a person under their care or control to, use a **toy vehicle** in a manner that interferes with, obstructs, hinders, or endangers any person, animal, or **vehicle** within the municipal district.
- (2) A person must not use or leave a **toy vehicle** in an area where the use of **toy vehicles** is prohibited by a sign erected by the **Council** or an **Authorised officer**.
- (3) The owner or occupier of any private land must not, without a permit, use, or **permit** a person to use, a **wheeled recreational vehicle** on the **private land**.
- (4) A person must not, without a permit, use, or permit a person to use, a **wheeled recreational vehicle** on **road, footpath** or **Council Land**.



4.7. Vehicle crossings

- (1) A person must not, without a permit, construct, repair, reconstruct or remove a vehicle crossing or adjacent **footpath**.
- (2) The **Council** or an **Authorised officer** may issue a written notice to the owner or occupier of a property, requiring them to perform any of the following actions by a specified date, having regard to the size, cost, and complexity of the required works:
 - (a) construct or repair a vehicle crossing or adjacent **footpath**.
 - (b) remove a redundant vehicle crossing
 - (c) remove a vehicle crossing constructed without a **permit**
 - (d) repair any damage caused by **vehicles** to a vehicle crossing, **road, footpath, kerb, or drain**.
 - (e) reinstate **Council land** to the satisfaction of **Council**.

- (3) A person who receives such a notice must comply and, where a permit is required, apply for one. All work specified must be completed to the satisfaction of the **Council** and within the prescribed time.
- (4) A person must not drive a **vehicle** over a kerb, nature strip, or **footpath** to access a private property with **building works** to be carried out or is to be carried out, unless a temporary vehicle crossing is in place. **Building work** must not begin until the required temporary crossing is constructed and a **permit** is granted.



You must get a Council permit before you construct, repair, or remove a vehicle crossing or footpath section. If you are doing building work, you must use a temporary vehicle crossing to avoid damaging the kerb or nature strip, and Council can issue a notice requiring you to repair any damage you cause.



4.8. Skip Bins

- (1) A person must not, without a **permit**, place, allow to be placed or cause to be placed on any **road, footpath** or **Council Land** a **skip bin**, bulk rubbish container or similar object.
- (2) A person must not place or collect a **skip bin**, bulk rubbish container or similar object on any **road, footpath, Council land**, or **private land** except between the following hours:
- (a) from 7am to 8pm on a Monday to Saturday
 - (b) from 9am to 8pm on a Sunday or Public Holiday.
- (3) This clause does not apply to works or activities by **Council** or a **service authority**.



4.9. Obstructions and hazards

- (1) An owner or occupier of **private land** must not allow an **advertising sign** or any other similar object to:
- (a) encroach onto **road, footpath** or **Council Land** at a height less than 2.4 metres
 - (b) remain on **private land** or be placed on **private land** which obstructs the clear view of a **traffic control item** by a person in a vehicle or a person on a **footpath**.
- (2) A person must not, without a **permit**, place, allow to be placed or cause to be placed on any **road, footpath** or **Council land** any other thing which interferes with the use of the **road, footpath** or **Council land**.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Skip bin applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.



4.10. Shopping trolleys

- (1) A person must not use a **shopping trolley** for any purpose other than for its intended design or leave a **shopping trolley** on any public land, unless it is in a designated collection area.
- (2) The **owner** or proprietor of any business that provides **shopping trolleys** for use must comply with the following requirements:
 - (a) ensure that each trolley displays clear business signage to identify ownership
 - (b) install a wheel lock mechanism or other Council approved device to prevent trolley removal to the satisfaction of Council and demonstrate to Council's satisfaction that a responsive collection system is in place
 - (c) collect any shopping trolley within 24 hours of being notified, whether the trolley is on road, footpath or Council land or has been impounded by Council
- (3) Sub-clause (3)(b) does not apply to a business who has less than twenty (20) shopping trolleys available for the use of customers.
- (4) An **Authorised officer**, council employee or contractor of council, may immediately impound any trolley that appears abandoned or not attended to if the trolley is on a road, footpath or **Council land**.



4.11. Spoil on roads

- (1) A person must not drive or permit or cause to be driven, a vehicle on a road or footpath during any trade, industry or commercial undertaking, unless the wheels and tyres, of the vehicle are free from soil, earth, clay or like substances.
- (2) A person must not allow any produce, soil, earth, mud, clay, liquid waste or like substance to fall from or escape onto a road or footpath from any vehicle which they are driving or any equipment which they are operating during any trade, industry or commercial undertaking.

- (3) A person must not allow any grease, oil, mud, clay or like substance to run off a motor vehicle they are cleaning during any trade, industry or commercial undertaking onto a road, footpath or into a drain.
- (4) The **Builder** of a building site must ensure that no mud, dirt, sand, soil, stones, concrete or other matter is deposited on the road or is washed into the stormwater system.
- (5) An individual who is an owner of residential land, other than an individual who is carrying out **building work** to develop residential land for sale, who contravenes or fails to comply with sub-clause (1) is liable to an infringement penalty half that specified in Schedule 1.



4.12. Occupation of Council land

- (1) A person must not, without a **permit**, occupy a road, footpath or Council Land by placing on or leaving any **trailer, caravan**, equipment or other thing for longer than one hour unless it is attached to a registered **vehicle**.
- (2) A person must not, without a permit, occupy a road, footpath or Council land by placing on or leaving any other thing on road, footpath or Council land.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Occupation of Council land applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (3) Sub-clause (1) does not create an exemption for specific activities related to vehicles that meet the definition of a "long vehicle" under the Road Safety Road Rules 2017.



4.13. Damage to council assets

- (1) A person must not, without a **permit**, add, place on, destroy, damage, remove, interfere with, attach to, or change in any way, anything in, on or under a **road, footpath, or Council Land**, except where the asset is designed for that use.
- (2) An owner of **private land** must not allow any tree or plant on land owned or occupied by them to cause damage or interfere with the use of any road, footpath or Council land, or any other asset.



4.14 Loading or unloading

- (1) The owner or person in charge of any land, or a person in charge of a vehicle, must ensure the land is maintained and the vehicle is parked, and loaded or unloaded in a way that does not cause or is likely to cause a danger to any person or animal or damage to Council assets, other assets or private property.



4.15. Maintenance of drains

- (1) An owner or occupier of **private land** must ensure that any private **drainage** servicing the **private land** is maintained and not in disrepair.
- (2) An owner or occupier of **private land** must ensure that any Council **drainage** located within the **private land** is not destroyed, damaged, impeded and not in disrepair.
- (3) An owner or occupier of **private land** must not obstruct, impede or interfere with the overland flow path of any **watercourse** unless given written agreement of the **Council**
- (4) An owner of **private land** must not allow any tree or plant on land owned or occupied by them to cause damage or interfere with any **drain** invested in or under the control of Council.



4.16. Connecting to Council drainage

- (1) A person must not, without a permit, destroy, damage, or connect into any **drainage** vested in **Council**.
- (2) An owner or occupier of **private land** must obtain permission from Council prior to connecting privately owned **drainage** into any drainage vested in **Council**.
- (3) An owner or occupier of **private land** is responsible for capturing stormwater on the **private land** and directing it to the **Council** allocated legal point of discharge.
- (4) An owner or occupier must not, without a **permit** or the written consent of the **Council**, discharge **stormwater** from **private land** over the surface into **Council** land or into **drainage** vested in **Council**.



4.17. Building over drains

- (1) An owner or occupier of any land must not without a **permit** or the written agreement of the **Council**:
 - (a) build anything; or
 - (b) cause or allow anything to be built over a **drain**, sewer, **watercourse** or associated infrastructure that is vested in the **Council** or another public authority or over any easement existing for the benefit of the **Council**.
- (2) Nothing in sub-clause (1) applies to any person who builds anything; or causes or allows anything to be built, over a drain, or sewer, **watercourse** or associated infrastructure easement in accordance with any building approval given under the *Building Act 1993*.

Part 5

Animals

This part aims to protect and maintain community amenity by setting clear provisions for responsible pet ownership. This includes regulating the maximum number of animals that can be kept on a property, ensuring the cleanliness of animal housing and waste, and requiring owners to clean up after their pets when using public land.





5.1. Dogs



When your dog is in a public place, you must always carry a device (like a bag) to collect their waste. If your animal excretes on a road, footpath, or Council land, you must immediately collect and dispose of it, ensuring no excrement remains in the public area.

- (1) A person in charge of an animal on any road, footpath, Council Land or other public place must always carry a litter device and must produce the litter device on the request of an **Authorised officer**.
- (2) A person in charge of an animal that excretes faecal matter on a road, footpath, Council Land or other public place must immediately collect and dispose of the excrement.
- (3) A person in charge of an animal must not allow any part of the animal's excrement to remain on any road, footpath, Council Land or other public place.



5.2. Keeping of animals

- (1) Unless permitted under the Planning Scheme applicable to the land, a person must not keep, or allow to be kept, more than the permitted number of animals on any land, including flats and units, without a permit. The maximum number allowed for each type of animal is listed below:

Type of Animal	Flat or Unit (Maximum Allowed)	Land Other Than Flat or Unit (Maximum Allowed)
Dogs (Over 3 months old)	2	2
Cats (Over 3 months old)	2	2
Chickens	0	5
Domestic Birds (Caged & non-poultry)	2	5
Ferrets	2	5
Reptiles	2	5
Rabbits	2	5
Guinea Pigs	2	5
Rats or Mice (Combined)	2	5
Poultry (Other than chickens)	0	0
Roosters	0	0
Farm Animals	0	0

- (2) Unless permitted under the Planning Scheme applicable to the land, a person must not keep, or allow to be kept, any animal, bird, bees or a species not listed in the table in clause (1), on any land, including flats and units, without a permit.

- (3) This clause does not apply to any land on which:
- (a) a registered domestic animal business is located
 - (b) an animal hospital or veterinary practice is located
 - (c) an animal educational facility is located
 - (d) or if the use of the land for this purpose is permitted under the Planning Scheme applicable to the land.



5.3. Housing of animals

- (1) An occupier of land must ensure that any structure, cage, or run used for housing an animal is maintained in a clean and sanitary condition and is kept free from refuse, rubbish, and any other material that may harbor vermin.
- (2) An occupier of land must ensure that all manure, excrement, refuse, or rubbish associated with keeping an animal is removed and placed in a suitable container or disposed of appropriately, so it does not detrimentally affect the amenity of the area.



Noise from dogs and cats is regulated by section 32 of the Domestic Animals Act 1994.

- (3) An occupier of land must ensure that all food for animal consumption is stored in a vermin and fly-proof container.
- (4) A person must not, build or maintain any structure for housing poultry or pigeons within:
- (a) the front or side setback to the street
 - (b) two (2) metres from the boundary of any adjoining land
 - (c) three (3) metres from any dwelling on adjoining land



5.4 Feeding of animals

- (1) A person must not feed or leave food for an animal or bird on a **road, footpath or Council land**, or a public place.
- (2) Sub-clause (1) does not apply to any person feeding or leaving food for an animal that is:
- (a) registered under the *Domestic Animals Act 1994*
 - (b) under the effective control of that person.



Part 6

Building Works

This part aims to protect Council assets such as roads and footpaths by requiring an Asset Protection Permit and Bond for most works. It also sets clear provisions to control construction noise, permitted building times, manage all site waste and pollution, and ensure appropriate amenity and safety for the surrounding neighbourhood during the entire building process.





6.1 Asset protection permit



If your building work requires a building permit, you must obtain an Asset Protection Permit first. The Council may also require you to pay a bond before work starts. This bond is held to cover the cost of repairing any damage caused by the work to Council assets like footpaths, roads, or street trees.

- (1) If a building permit is required for **building work**, the following people must not carry out or allow to be carried out any **building work** on the land unless an **Asset Protection Permit** has been obtained and any conditions of that permit are met:
 - (a) the owner of the land
 - (b) the **Builder** or demolition contractor
 - (c) any **appointed agent**.
- (2) **Building works** with a value of less than \$10,000 still require a permit, but no application fee will be charged.
- (3) An **Authorised officer** may, at their discretion, waive the requirement for an **Asset Protection Permit** based on the scope of **building works**.
- (4) Discretion under sub-clause (3) may be exercised for works that have a low risk of damaging Council assets, including but not limited to:
 - (a) essential safety measures such as fire service upgrade, fire hose reels & smoke alarms
 - (b) public housing covered by Department of Health & Human Services
 - (c) internal fit outs within established hospitals, shopping centres & universities
 - (d) unit or flat fit outs within multi storey buildings
 - (e) internal stairways, awning, balustrades
 - (f) fit outs within established business parks with no impact to Council assets
 - (g) access, where all associated vehicles and equipment is located on private property using an existing vehicle crossing and no occupation of Council land.
- (5) Sub-clause (4)(g) does not apply to structures built on a boundary or in close proximity to **Council** assets.
- (6) The Council may require a person responsible for **building work** to pay an **Asset Protection Permit Bond** where an **Authorised officer** or the **Council** determines that Council assets, including but not limited to a driveway crossing, **footpath**, **road**, street tree, or kerb, may be damaged as a result of the work.
- (7) The bond must be paid to the **Council** before a **permit** is issued and:
 - (a) will be proportional to the likely cost of repairing any potential damage
 - (b) a further bond may be required if new information is received after a permit has been issued, where further damage may occur, the person must pay the further bond
 - (c) will refund the bond after a final inspection if no damage has occurred.
 - (d) If damage has occurred, the bond will be retained to offset the cost of repairing any damage.



6.2 Building works



These clauses outline the requirements for building works and include, allowed building work times, requirements to spoil or pollution and maintaining a refuse facility on-site. The work must not negatively affect the neighbourhood amenity through excessive noise, dust, or odour.

- (1) A person must not, without a permit, carry out or allow **building work** to be carried out:
 - (a) Before 7am or after 6pm on a Monday to Friday
 - (b) Before 9am or after 3pm on a Saturday
 - (c) On a Sunday
 - (d) On Anzac Day, Good Friday, Christmas Day
 - (e) On Monday after Christmas day when Christmas day is a Saturday
 - (f) On Tuesday after Christmas day when Christmas day is a Sunday.
- (2) Sub-clause (1) does not apply to:
 - (a) any employee or agent of a permit holder
 - (b) any **building work** required because of an emergency
 - (c) any **building work** which is subject to a permit issued under the *Planning and Environment Act 1987*, if that permit contains a condition which:
 - (i) restricts the times during which **building work** may be performed and the condition is more restrictive than sub-clause (1).
 - (d) any person to whom section of the *Environment Protection Act 2017* applies
 - (e) **building work** which is carried out by an occupier or owner of land being home maintenance.
- (3) Where **building work** is being carried out on any land, the owner, **builder**, contractor, or **appointed agent** must ensure that no pollutants, including but not limited to chemicals, sediments, concrete, soil, or other waste, enter the stormwater system from the land, the washing of tools, or in any other way.
- (4) The owner of land on which **building work** is being carried out must ensure that a suitable refuse facility is provided and maintained on the land to contain all refuse. The facility must ensure the following requirements:
 - (a) remain on the land during the period of the **building work**
 - (b) be emptied and replaced whenever it is full
 - (c) not be placed on a road, footpath, or Council land without a permit
- (5) Where **building work** is being carried out on any land, the owner, **builder**, contractor, or **appointed agent** must ensure that all refuse is placed in the designated refuse facility and not in or on any other land or stormwater system.



Maintaining unobstructed accessibility is a fundamental requirement of this Local Law. Refuse applications will be evaluated based on their strict adherence to this principle. Proposals that fail to accommodate the minimum required accessibility standard will not be issued a permit.

- (6) The owner, **builder** engaged, or **appointed agent** on land which **building work** is being or has been carried out must ensure all refuse is removed and lawfully disposed of from any land where **building work** has been carried out, within seven (7) days of the completion of the work or the issue of an occupancy permit, whichever occurs last.
- (7) The driver of any vehicle involved in placing or removing a refuse facility on or from land must access the land by way of a temporary vehicle crossing.
- (8) The owner, **builder**, or **appointed agent** on any land where **building work** is to be or is being carried out must ensure that a sewerage or freshwater portable toilet (closed) system with a water seal is provided for workers and is serviced at least monthly, or as required, to the satisfaction of the Council or an **Authorised officer**.
- (9) Sub-clause (8) does not apply to:
- (a) building that are being constructed on adjacent land simultaneously by the same person
 - (b) there is provided one (1) sewerage or freshwater portable toilet (closed) system with a water seal serviced as required for three (3) building sites.
- (10) The owner, **builder**, or **appointed agent** for any **building work** must prepare and submit a building waste management plan to the Council before commencing work.
- (11) A person must not carry out any **building work** unless the owner, **builder**, or **appointed agent** has prepared and submitted a building waste management plan that has been approved by the **Council** or an **Authorised officer**.
- (12) The owner, **builder**, or **appointed agent** for any **building work** that is being carried out on any land must comply with the building waste management plan approved
- (13) The owner, **builder**, or **appointed agent** for any **building work** that is to be or is being carried out on any land must ensure:
- (a) it does not adversely affect the amenity of the neighbourhood through the emission of noise, dust, odour or other way.
 - (b) noise emitted from a crane does not exceed 69dB(A) Leq at 30 metres from the crane engine or as required at a corrected distance back to a reference distance of 30m.
- (14) Any **building work** carried out by an individual who is an owner of residential land, other than an individual who is carrying out **building work** to develop residential land for sale, who contravenes or fails to comply with a requirement in this Part is liable to an infringement penalty half that specified in Schedule 1.

Part 7

Alcohol

This part establishes clear, time based and location-based restrictions on the consumption or open possession of alcohol in public places to reduce public safety risks and manage community behaviour.





7.1. Introduction to this Part

- (1) This Part is not intended to criminalise social or economic disadvantage or chronic health issues, nor to create barriers to seeking or receiving support from appropriate health and social services. People may be in vulnerable circumstances if they are:
 - (a) experiencing homelessness
 - (b) socially, culturally or economically marginalised
 - (c) experiencing chronic physical or mental health issues
- (2) For these reasons, in situations in which provisions in this Part would usually apply, **Authorised officers** must address the reason for the apparent breach of the provision and first offer the option of support through local health and outreach services and/or considering the non-punitive options.



7.2. Prescription by the Council

- (1) A prescription is only to be made under this clause where it is evident to the Council that there is an extraordinary and imminent risk to public safety related to the possession, control or consumption of liquor in a public place (or part of a public place).
- (2) The Council may prescribe a public place (or part of a public place) to be a Prescribed Area for the purposes of this Part.
- (3) If the Council prescribes a public place (or part of a public place) to be a Prescribed Area, the prescription may also specify:
 - (a) days on or times between which a person must not consume any liquor or
 - (b) possess or control any liquor other than in a sealed container in the Prescribed Area.
- (4) The Council must not make a prescription without first being satisfied that there is an imminent risk to the safety or welfare of members of the community if the prescription is not made.

- (5) Every prescription must specify or otherwise prescribe the public place (or part of the public place) being prescribed as a Prescribed Area, whether by map, plan or other means.
- (6) Any prescription by the Council under this Part will not be effective, and no person can be prejudicially affected or made subject to any liability under this Part, until notice of the prescription is published on the Council's website.
- (7) A prescription by the Council under this Part may expire if it is specified to remain in operation only for a limited period and that period passes and be revoked by resolution of the Council.



7.3. General Prohibition

- (1) A person must not consume any liquor or possess or control any liquor other than in a sealed container at any time:
 - (a) between 9pm and 9am on the following day while present in a municipal reserve
 - (b) in a Prescribed Area, contrary to the terms of any prescription made in respect of that Prescribed Area
 - (c) on a footpath adjoining any area which is licensed under the *Liquor Control Reform Act 1998*, if the premises in respect of which the area is licensed, is open for business or otherwise trading and does not have as its predominant purpose the sale of packaged liquor
 - (d) within 10 metres of a pedestrian entrance or exit to an aquatic or leisure centre, a public library, a Maternal and Child Health Centre, a play centre, a child care centre, a pre-school, a school or any other building or structure used predominantly for the purpose of providing services to families or children, whether the person is on a footpath or not and
 - (e) while on any road (excluding a footpath), whether in a vehicle or not.



7.4. Clarification

- (1) If a person is present in a municipal reserve between 9am and 9pm and the person's location is one of the places in or on which a person is prohibited from consuming any liquor or possessing or controlling any liquor other than in a sealed container under sub-clause 7.3 (1)(b), 7.3 (1)(c), 7.3 (1)(d), or 7.3 (1)(e), that person will, if they consume any liquor or possess or control any liquor other than in a sealed container be in breach (as the case may be).



7.5. Additional Prohibitions

- (1) Notwithstanding clause 7.3, a person must not, consume any liquor, or possess or control any liquor other than in a sealed container in:
- (a) the area around Swan Street, Cremorne and Richmond, which is bounded by Tanner and Gipps Streets to the north, Church Street to the east, the railway line to the south and Punt Road to the west (being the area shaded red in the map attached to this Local Law), from 9pm on the day immediately preceding the **AFL Grand Final Day** until 9am on the day immediately following the **AFL Grand Final Day** or
 - (b) any public place from 9pm on 30 December to 9am on 1 January.





7.6. Directions by Authorised officer

- (1) If an **Authorised officer** observes a person contravening clause 7.3 or 7.5, and it is clear to the **Authorised officer** that the person is not vulnerable within the meaning of the sub-clause (2), the **Authorised officer** may direct the person to:
 - (a) cease the consumption of liquor
 - (b) seal the container of liquor or
 - (c) dispose of the liquor into a receptacle approved by the **Authorised officer**.
- (2) Before giving any direction under clause 7.6, an **Authorised officer** should consider whether there are extenuating circumstances in respect of the apparent breach of clause 7.3 or 7.5 and whether, given the apparent situation of the person to whom a direction would otherwise be given, the person is vulnerable such that it is preferable to offer support to the person through a local health and outreach service. A person will be vulnerable if they are:
 - (a) experiencing homelessness
 - (b) socially, culturally or economically marginalised
 - (c) experiencing chronic physical or mental health issues

For these reasons, in situations in which provisions in this Part of the Local Law would usually apply, **Authorised officers** must address the reason for the apparent breach of the provision and first offer the person who is vulnerable the option of support through local health and outreach services and/or considering the non-punitive options.

- (3) A person to whom a direction is given under sub-clause (1) must comply with that direction.



7.7. Exceptions

- (1) Nothing in clause 7.3 or 7.5 applies to any person who is:
 - (a) on premises which are or in an area which is licensed under the *Liquor Control Reform Act 1998* or
 - (b) attending an Event prescribed by Council.
- (2) Council may, for the purposes of this Part, prescribe a festival or other event as an Event to which clauses 7.3 or 7.5 does not apply.
- (3) Any prescription which is made by Council under sub-clause 7.7(2) must be published on Council's website, and must specify:
 - (a) the period during which the Event is being conducted
 - (b) the area of the municipal district in which the Event is being conducted, which may be described by words, a plan or a map or a combination of words, a plan and a map
 - (c) areas within the Event that are designated as allowing responsible service of liquor and the specified times during which liquor may be served there and
 - (d) the name of the person or persons conducting the Event.

Part 8

Administration and enforcement

This part outlines the powers of the Council and Authorised officers to ensure compliance with all Local Law provisions. It covers the mechanisms for impounding items, issuing notices to comply, and taking action in urgent circumstances, while also defining what constitutes an offence and the penalties (fines, prosecution, and cost recovery) for non-compliance.





8.1. Impounding

- (1) An **Authorised officer** may seize and impound anything which is, has been or is being used or possessed in contravention of this Local Law.
- (2) Where anything has been impounded under this Local Law, the Council or an **Authorised officer** must, if it is practicable to do so, serve notice of impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- (3) An impounded thing must be surrendered to its owner or a person acting on behalf of its owner (who provides evidence to the satisfaction of an **Authorised officer** of his or her authority from the owner) if:
 - (a) evidence to the satisfaction of the **Authorised officer** being provided of the owner's right to the thing; and
 - (b) payment of any fee determined by the Council or an **Authorised officer**.
- (4) If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of serving an impounding notice, or the act impounding, Council may sell, give away or destroy the impounded thing.
- (d) the time for compliance
- (e) the date on which it is issued and
- (f) the **Authorised officer's** name or Council identification number.
- (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:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.
- (4) A person must comply with a notice to comply.
- (5) If a person does not comply with a notice to comply, Council or an **Authorised officer** or any employee or any other person authorised in writing by Council or an **Authorised officer**, may enter upon any private land or public land on which there is any such failure to comply and do all acts, matters or things that are required to comply with the notice to comply.



8.2. Notice to comply

- (1) If an **Authorised officer** reasonably believes that a person has contravened or failed to comply with the Local Law, the **Authorised officer** may issue to the person a written notice to comply, requiring that person to stop contravening or to comply with the Local Law or to remedy any contravention or failure.
- (2) A notice to comply must include:
 - (a) the name of the person or if not know then, "the owner", "the occupier" or similar
 - (b) the clause of the Local Law contravened or failed to comply with
 - (c) the action required
- (6) All costs and expenses including any administration fee incurred by council in carrying out any acts, matters or things are a debt due to Council from the person on whom the notice to comply was issued.



8.3. Delegation

- (1) In accordance with section 114 of the Act, Council delegates to:
 - (a) the Chief Executive Officer and to each **Authorised officer** the powers, discretions and authorities of Council under this Local Law including the powers and discretions to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply guidelines or policies of Council, waive the need for any permit, waive, fix or reduce fees or charges, issue any notice to comply, or to do any act matter or thing necessary or incidental to the exercise of any function or power of Council.
- (2) Nothing in clause (1) prevents Council from revoking any delegation to any member of Council staff or from delegating any or any other duty imposed, or function or power conferred by this Local Law to any member of Council staff.



8.4. Appeals

- (1) A person may request Council or an **Authorised officer** to review an order, direction or notice issued in relation to him or her under this Local Law.
- (2) If a request for review has been made, the person requesting the review must do everything practicable to co-operate in the prompt and speedy review of the order, direction or notice.



8.5. Urgent circumstances

- (1) Council or an **Authorised officer** may act to urgent circumstances without serving a notice to comply or official warning as a result of any failure to comply with this Local Law which threatens:
 - (a) the health or safety of any person or animal
 - (b) to prevent any danger to property or the environment
 - (c) the amenity or any nuisance
- (2) Any action taken by Council must be no more than the minimal reasonably necessary to remedy the urgent circumstance and should only be taken if the time required to serve a notice would place a person, animal, property, or the environment at risk or danger of substantial detriment.
- (3) The person who would have received a notice must be notified of the urgent circumstance and the action taken as soon as possible.



8.6. Offences



You commit an offence if you break any provisions, including permit conditions, failing to comply with a notice to comply or an authorised officer's direction. Penalties can include an Infringement notice, prosecution resulting in conviction. The maximum penalty is 20 penalty units.



8.7. Infringement notices

- (1) If an **Authorised officer** reasonably believes that a person has committed an offence against this Local Law, the **Authorised officer** may issue and serve on that person an infringement notice as an alternative to a prosecution for that offence.
- (2) The penalties fixed for infringement notices are set out in Schedule 1, or if no penalty is fixed, the penalty is one (1) penalty unit.

- (1) A person is guilty of an offence if they:
 - (a) contravenes or fails to comply with any provision under this Local Law
 - (b) contravenes or fails to comply with any condition contained in a permit
 - (c) contravenes or fails to comply with a notice to comply
 - (d) fails to comply with a direction of an **Authorised officer**
- (2) A person who is found guilty of an offence under this Local Law is liable to:
 - (a) the penalty stated under a specific provision, or if no penalty is stated, a penalty of 20 penalty units
 - (b) further penalty of 2 penalty units for each day the contravention continues after being found guilty.
 - (c) for a second or subsequent offence, a penalty of 20 penalty units
 - (d) upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply.
- (3) As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 8.7.
- (4) A person who is found guilty of an offence under this Local Law must pay Council all reasonable costs incurred by Council in remedying the contravention or failure.

Part 9

Permits

This part establishes the clear, required process for applying for, receiving, and managing any permit issued under this Local Law. It ensures a fair and consistent approach by setting out application requirements, conditions for approval (including bonds), reasons for cancellation, and the process for granting exemptions.

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9.1. Permit requirements

- (1) A person who makes an application for a permit must:
 - (a) lodge with **Council** or an **Authorised officer** an application in a form prescribed by **Council** or an **Authorised officer**
 - (b) pay the appropriate application fee.
- (2) **Council** or an **Authorised officer** may require an applicant to provide additional information before further considering an application for a **permit**.
- (3) Subject to sub-clause (4) the Council or an **Authorised officer** in its, his or her absolute discretion may issue a **permit** with or without conditions or refuse to issue a **permit**.
- (4) An **Authorised officer** may not issue or enter into a **permit** for any semi-permanent or permanent structure located or to be located on land classified in the **Planning Scheme** as a Public Park and Recreational Zone or a Public Conservation and Resource Zone unless the **Council** has authorised the issue of a **permit** for such structures on that land by resolution passed at an ordinary meeting of **Council**.
- (5) The Council must keep a register of permits.
- (6) A **permit** expires on the date specified in the **permit** or if no such date is specified one (1) year after the date of issue.
- (7) In deciding to grant a **permit**, **Council** may require the applicant to lodge with **Council** a **security bond** in an amount and in a manner as **Council** or an **Authorised officer** considers reasonable in the circumstances.
- (8) **Council** may use any **security bond** to remedy a breach of a condition of a **permit** or contravention or failure to comply with the Local Law or release any **security bond** upon the satisfactory completion of any activity authorised by the **permit**.
- (9) If after 12 months, from the date on which the release of the **security bond** may be released, Council cannot locate the person entitled to the **security bond** or remaining **security bond**, Council may retain the **security bond** or remaining **security bond** and pay the money into its general revenue.
- (10) Council may by resolution, from time to time, determine fees for the purposes of this Local Law, and
 - (a) in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so
 - (b) may waive, reduce or alter a fee with or without conditions.
- (11) The Council may from time to time, make policies or guidelines for the purposes of this Local Law and relevant **permits**.



Council's fees and charges are determined annually through its budgeting process and are available from Council's website. The budgeting process is open to community consultation.



The Council develops additional policies and guidelines to add clarity and detail to this Local Law. These documents explain how permits are assessed, approved, and enforced, ensuring the process consistently follows the principles and requirements set out in this Local Law.



9.2. Considering applications

- (1) In considering an application for a permit the Council or an **Authorised officer** may consider
 - (a) any policy or guideline adopted by the Council or anything contained in the procedure and protocols manual relating to the subject matter of the application for the permit
 - (b) any submission that may be received in respect of the application
 - (c) any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and
 - (d) any other relevant matter.



9.3. Correction of Permits

- (1) The Council or an **Authorised officer** may correct a permit issued if the permit contains:
 - (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) 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.
- (2) The Council or the Authorised officer must note the correction in the register of permits.



9.4. Cancelling or amendments of permits

- (1) The Council or an **Authorised officer** may cancel or amend any permit if it, he or she considers that there has been:
 - (a) a material misstatement or concealment of facts in relation to the application for a permit
 - (b) any material mistake in relation to the issue of the permit

- (c) any material change of circumstances which has occurred since the issue of the permit
 - (d) a failure to comply with the conditions of the permit was issued
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- (2) The Council or the **Authorised officer** must notify the holder of a permit of the Council's or **Authorised officer's** intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- (3) If the Council or the **Authorised officer**, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or **Authorised officer** must note that cancellation or amendment in the register of permits.



9.5. Exemptions

- (1) Council or an **Authorised officer** may, by written notice, exempt any person or class of persons from the requirement to obtain a permit, either generally or at specified times.
- (2) Any person or class of persons, specified in the relevant clause of this Local Law may be exempt from the requirement to obtain a permit.
- (3) Council or an **Authorised officer** may, require an applicant to provide additional information before dealing with an application for an exemption.
- (4) An exemption from the requirement to obtain a permit may be granted subject to conditions.
- (5) A person must comply with the conditions of an exemption from the requirement to obtain a permit.

Schedule 1

Infringement Notice and Court penalty amounts for contravention of this Local Law (All values expressed in Penalty Units).

For offences with no fixed penalty unit, Part 8 – Administration and Enforcement, clause 8.7(2) takes effect.

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Overhanging vegetation			
2.2(1)	Vegetation obstructing the clear view of drivers or pedestrians to other pedestrians, vehicles or traffic control items.	2	20
2.2(2)	Vegetation encroaching onto road, footpath or Council land at a height of less than 2.4 metres from the surface.	2	20
Significant trees			
2.3(1)	Remove, damage, destroy or lop a significant tree without a permit.	7	20
2.3(3)	Owner of land on which a significant tree is removed, damaged, destroyed or lopped without a permit.	7	20
Unightly Property			
2.4(1)(a)	Causing a danger to health or property	2	20
2.4(1)(b)	Overgrown grass and weeds	2	20
2.4(1)(c)	Unconstrained waste on the land	2	20
2.4(1)(d)	Harbourage for vermin	2	20
2.4(1)(e)	Accumulation of building waste and materials	2	20
2.4(1)(f)	Allowing declared noxious weeds on the land	2	20
2.4(2)	Allowing land, building or structure to become dilapidated or unsightly	2	20
Fencing and securing of land			
2.5(3)	Failure to comply with direction	2	20
Dilapidated Building			
2.6(1)	Allowing a building or structure to become dilapidated or be in a state of disrepair	4	20

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Storage, repairs and camping			
2.7(1)	Storing, assembling or dismantling old, use or second-hand machinery, vehicles, materials or goods affecting the amenity without a permit	4	20
2.7(2)	Use of land to repair a motor vehicle not owned by the resident of the land	4	20
Hard Waste			
2.10(3)	Placing disused refrigerator, ice chest, trunk, chest or similar item in a dangerous manner.	3	20
Commercial trade waste bins			
2.11(1)	Leaving bin on road, footpath or Council land for longer than allowed time without a permit.	2	20
2.11(2)	Failure to return commercial trade waste bin to private property within 1 hour.	2	20
2.11(3)	Placing commercial trade waste in a public or domestic waste bin	2	20
2.11(4)	Lid of commercial trade waste bin not closed	2	20
2.11(5)	Failure to repair damage caused by a commercial trade waste bin.	2	20
2.11(6)	Failure to comply with requirements.	2	20
2.11(7)	Failure to comply with direction of construction and maintenance requirements from an Authorised officer .	2	20
2.11(8)	Failure to provide a waste management plan.	2	20
Collection of commercial trade waste bins			
2.12(1)	Collecting commercial trade waste outside permitted hours	2	20
2.12(2)	Placing a commercial trade waste bin in a manner that causes an obstruction or danger.	2	20
Storage and screening for bins			
2.13(1)	Failure to comply with direction of Council or an Authorised officer .	2	20
2.13(3)	Failure to comply with notice.	2	20

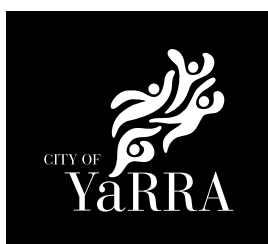
Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Deliveries to Commercial Premises			
2.14(1)	Delivering, collecting or providing a service to a commercial business or allowing a refrigerated unit mounted on a vehicle run outside permitted hours	2	20
Awnings and Verandahs for Advertising			
2.15(1)	Attaching or allow to be attaching advertising from an awning or verandah without a permit	2	20
Open Air Burning			
2.16(1)	Allowing a fire to be lit or remain alight in the open air without a permit.	2	20
2.16(3)	Burning or allowing to burn any substance that causes a risk of fire or endangers a person or animal.	2	20
2.16(4)	Using or allowing an incinerator to be used.	2	20
2.16(5)	Using an appropriately constructed appliance for cooking in a manner that endangers or causes a nuisance to person or damage to property.	2	20
2.16(6)(a)	Must not burn, cause or permit to be burned a substance that will or likely will cause a nuisance or be dangerous to a person or property.	2	20
2.16(6)(b)	Must not burn, cause or permit to be burned a prohibited substance.	2	20
2.16(7)	Failure to comply with direction	2	20
Bees & Wasps			
2.17(1)	Failure to remove or allow to remain, a wasp nest or a bee swam on the land.	2	20
Outdoor dining, goods displays and signs			
3.1(1)	Display or place goods, advertising sign or outdoor dining furniture without a permit.	2	20
3.1(2)	Constructing, occupying or allowing to be used a semi-permanent or permanent structure without a permit.	2	20
3.1(5)	Failure to comply with direction.	2	20
3.1(6)	Allowing the display of a sign advertising the lease for more than fourteen (14) days after the lease.	2	20

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Roadside trading			
3.2(1)	Selling goods or services without a permit.	2	20
Street collections, spruiking and distribution			
3.3(1)	Conducting street collections, spruiking or distribution activities without a permit.	2	20
Commercial fitness activities			
3.5(1)	Conducting a commercial fitness activity without a permit.	2	20
3.5(2)(a)	Conducting or participating in commercial fitness activity in contravention of permit conditions.	2	20
3.5(2)(b)	Conducting or participating in commercial fitness activity in an exclusion zone.	2	20
3.5(2)(c)	Conducting or participating in commercial fitness activity whilst using amplified music or sound.	2	20
3.5(3)	Conducting or participating in commercial fitness activity and engaging in an aggressive or intimidating behaviour or causing a nuisance.	2	20
Commercial dog walkers			
3.6(1)	Conducting a commercial dog walking activity without a permit.	2	20
3.6(2)(a)	Conducting a commercial dog walking activity without maintaining effective control of dogs or other animals.	2	20
3.6(2)(b)	Conducting a commercial dog walking activity with more than four (4) dogs or other animals by one person.	2	20
Charity or clothing bins			
3.7(1)	Place, cause or allow to be placed a charity or clothing bin on road, footpath, reserve or Council land.	2	20
3.7(2)	Failure to maintain a charity or clothing bin on private land in a clean and sanitary condition or effecting the amenity of the area	2	20

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Electoral and political advertising or campaigning			
3.8(1)	Erect, place, allow electoral or political signage on any part of road, footpath or Council land or authorise another person to do so.	2	20
3.8(4)	Electoral or political activity on Council land without a permit.	2	20
Other activities on Council land.			
3.9(1)(b)	Launch or land a hot air balloon without a permit.	3	20
Occasional events			
3.11(1)	Conduct an occasional event on Council land without a permit.	2	20
Circuses, carnivals and festivals			
3.12(1)	Hold or permit to be held, a circus, a carnival, or a festival on any land, not permitted by the Planning Scheme, without a permit.	3	20
Occupation for works or events			
3.13(1)	Occupation of road, footpath or Council land for works or events without a permit.	3	20
Occupation for filming or other activities			
3.14(1)	Occupation of road, footpath or Council land for filming or other activities without a permit.	3	20
Vehicle crossings			
4.7(1)	Construct, repair, reconstruct or remove a vehicle crossing or adjacent footpath without a permit.	3	20
4.7(3)	Failure to comply with notice.	3	20
4.7(4)	Driving on a nature strip, kerb, or footpath to access a property with building works without a temporary crossing.	3	20
Skip Bins			
4.8(1)	Placing or allow to be placed on road, footpath or Council land a skip bin, bulk rubbish container or similar object without a permit.	3	20
4.8(2)	Placing or collecting a skip bin, bulk rubbish container or similar object outside permitted hours.	3	20

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Obstructions and hazards			
4.9(1)(a)	Allowing an advertising sign or any other similar object to encroach on road, footpath or Council land at less than 2.4 metres.	2	20
4.9(1)(b)	Allowing an advertising sign or any other similar object to remain on land which obstructs the clear view of a traffic control item.	2	20
4.9(2)	Place, allow or cause to be placed on any road, footpath or Council land thing which interferes with its use.	2	20
Shopping trolleys			
4.10(2)	Failure to comply with the requirements.	5	20
Spoil on roads			
4.11(1)	Driving or permit to drive a vehicle with soil, earth, clay or like substances on a road or footpath during a trade, industry or commercial undertaking.	5	20
4.11(2)	Allowing produce, soil, earth, mud, clay, liquid or like substance to fall from a vehicle onto a road or from any equipment being used during a trade, industry or commercial undertaking.	5	20
4.11(3)	Allowing grease, oil, mud, clay or like substance to run off a motor vehicle they are cleaning during any trade, industry or commercial undertaking onto a road, footpath or into a drain.	5	20
4.11(4)	Builder must ensure that no mud, dirt, sand, soil, stones, concrete or other matter is deposited on the road or washed into the stormwater system.	5	20
Damage to council assets			
4.13(1)	Add, place, destroy, damage, remove, interfere with, attach to or change in any way, anything in or on a road, footpath or Council land except for where the asset is designed for that use.	5	20
Loading or unloading			
4.14(1)	Failing to maintain land or park a vehicle for loading or unloading that does not cause a danger.	2	20

Clause	Description of Offence	Infringement Notice Penalty	Maximum Court Penalty
Asset protection permit			
6.1(1)	Failure to obtain an asset protection permit prior to building work commencing	5	20
Building Works			
6.2(1)	Building works carried out, outside permitted hours without a permit.	10	20
6.2(3)	Contamination of stormwater system from building works.	5	20
6.2(4)	Failure to have a refuse facility or failure to comply with requirements.	5	20
6.2(5)	Failure to place all refuse in the designated refuse facility.	5	20
6.2(6)	Failure to remove refuse from land where building work has been carried out and completed.	5	20
6.2(7)	Placing or removing a refuse facility on or from land without using a temporary vehicle crossing.	5	20
6.2(6)	Failure to ensure land with building works has a toilet or toilet not being serviced monthly or as required by an Authorised officer .	5	20
6.2(10)	Failure to provide a building waste management plan.	5	20
6.2(11)	Carrying out building works prior to approval of building waste management plan.	5	20
6.2(12)	Failure to comply with the building waste management plan or waste management guidelines.	5	20
6.2(13)(a)	Building works adversely affecting the amenity of the neighbourhood through noise, dust, odour or other way.	5	20
6.2(13)(b)	Building works with crane exceeding permitted noise limits.	10	20
Notice to comply			
8.2(4)	Failure to comply with a notice to comply	2	20
Offences			
8.6(1)(b)	Failure to comply with conditions of a permit.	2	20
8.6(1)(d)	Failure to comply with the direction of an Authorised officer .	2	20



Contact us

Visit us

Richmond Town Hall, 333 Bridge Road, Richmond

Collingwood Town Hall, 140 Hoddle Street, Abbotsford

Connie Benn Family and Children's Centre, 160 Brunswick Street, Fitzroy

Bargoonga Nganjin – North Fitzroy Library, 182–186 St Georges Road, Fitzroy North

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