

THE CITY OF  
GREATER GEELONG

# NEIGHBOURHOOD AMENITY LOCAL LAW 2024

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GREATER GEELONG CITY COUNCIL

Greater Geelong City Council's *Local Law Manual 2024* is incorporated by reference into this *Neighbourhood Amenity Local Law 2024*

## Neighbourhood Amenity Local Law 2024

### PREAMBLE

Greater Geelong City Council's Local Law is designed to secure community safety, protect public assets and enhance neighbourhood amenity. The Local Law embraces best practice local law making by embodying the principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency. The Local Law is also consistent with the principles of justice and fairness. Extensive community consultation has been undertaken in the preparation of this Local Law.

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# PART 1 – PRELIMINARY, OBJECTIVES AND DEFINITIONS

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## 1 TITLE

This Local Law is called Neighbourhood Amenity Local Law 2024 and is referred to in this document as the "Local Law".

## 2 OBJECTIVES OF THE LOCAL LAW

The objectives of the Local Law are to:

1. secure community safety
2. protect public assets
3. enhance neighbourhood amenity
4. embrace best practice local law-making principles of accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency
5. be consistent with the Council's overall objectives and strategies, in particular:
  - a. to enhance health, wellbeing and quality of life of Greater Geelong communities, through healthy lifestyles, healthy environments, and connected, creative and strong communities
  - b. to secure Greater Geelong's economic future by supporting businesses, facilitating major infrastructure and investment and encouraging a vibrant leading city for tourism, arts, culture and events
  - c. to partner with our community to protect and enhance our natural ecosystems and to encourage sustainable design and reduced resource consumption by protecting natural areas, supporting our community to live sustainably
  - d. to provide cost effective services that meet the changing needs of the community through an efficient and customer focused organisation, sustainable financial management, an informed and engaged community and a safe work environment
6. provide for the administration of the Council's powers and functions
7. revoke Neighbourhood Amenity Local Law 2014.

## 3 AUTHORISING PROVISIONS

The Council's authority to make this Local Law is contained in section 71 of the *Local Government Act* 2020, section 42 of the *Domestic Animals Act* 1994.

## 4 COMMENCEMENT

This Local Law operates from 11 December 2024.

## 5 DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on 11 December 2034.

## 6 REVOCATION OF OTHER LOCAL LAWS

The following Local Laws of the Council are revoked at the commencement of this Local Law:

*Neighbourhood Amenity Local Law 2014.*

## 7 SCOPE OF THIS LOCAL LAW

1. This Local Law applies to the whole of the Municipal District, except where it is apparent from its wording that a Clause or provision applies to a specific area.
2. Where this Local Law applies to a Road, it applies to all parts of the Road.
3. The provisions of this Local Law apply to the extent that they are not inconsistent with any Act or Regulation applicable to the Council or its Municipal District.
4. Where this Local Law prohibits any act, matter or thing or provides that such act, matter or thing can only be done or exist with a Permit, that prohibition or provision will not apply if the act, matter or thing can be done or can exist by reason of an express permission in the Planning Scheme.
5. References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water and any structures over any water affixed to the land or to the land covered with water.

## **8 HOW TO READ THIS LOCAL LAW, GUIDELINES AND INCORPORATED DOCUMENTS**

Parts 1 to 7 of this Local Law set out provisions for meeting the objectives of this Local Law, organised in a community focussed, user-friendly structure. Part 1 and Part 7 focus on matters generally described as preliminary and administrative, including objectives, scope, definitions, powers, permits, appeals, fees and penalties. Part 2 is a collection of laws as they apply to an individual's home and property, extending to any animals and waste collection. Part 3 deals with laws about vehicles and activities which occur on streets and roads (including stock movements). Part 4 is a collection of laws related particularly to business activities and to building and construction. Part 5 deals with Alcohol consumption and Smoking. Part 6 contains those laws concerned with Municipal Places and Council's reserves, landfill sites and buildings. These laws include prohibited behaviours and permitted activities in these places. Schedule 1 sets out a summary of maximum penalties and Infringement Notice penalties.

The Local Law refers to the Local Law Manual. The Local Law Manual is a separate document, but forms part of the Local Law. It sets out information on how discretion is exercised by staff when applying the Local Law, and factors and issues that officers can have regard to when exercising their powers and making decisions.

The Local Law also refers to other documents, such as Council policies. These policies may change from time to time and do not form part of this Local Law. The current version of policies relevant to the Local Law are set out on the City's website.

## 9 DEFINITIONS

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 1989* and *Local Government Act 2020* indicated by the words '*as in the Act*'. Other words and phrases have the respective meanings assigned:

Words and phrases	Meaning or extended meaning
1989 Act	Means the <i>Local Government Act 1989</i>
2020 Act	Means the <i>Local Government Act 2020</i>
Advertising Sign	Means any board, notice, structure, banner, flag or other similar device, with or without words, illuminated or not with symbols or recognisable graphics, used for the purpose of soliciting sales or promoting a brand or person or notifying people of an adjacent property, organisation, business, or event or directing people to a place, whether real, internet-based or electronic, where goods and/or services may be obtained.
Alcohol	Has the same meaning as 'Liquor'.
Alcohol Free Area	Means an area of, or in, any Municipal Place, which has been declared by the Council as an "alcohol free" area and has appropriate signage erected and maintained
Allotment	Means any land in separate ownership or occupation.
Animal	Excludes a Person but includes, although is not limited to, any of the species or groups listed in the first column of the <i>Table of Animal Numbers and Types</i> in Clause 20 (Keeping Animals), and includes Livestock, reptiles, insects and any other living creature domesticated or wild.
Applicant	Means a Person who applies for a Permit under this Local Law.
Appropriate Fee	Means the fee determined by the Council in accordance with Clause 0 of this Local Law.
Asset Protection Permit	Means a Permit referred to in Clauses 46, 47,48, 49 and 52 of this Local Law.
Authorised Officer	Means an Authorised Officer appointed under section 224 of the 1989 Act.
Barbeque	Means a device used for the cooking of food outdoors, whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them, and includes a device for spit roasting when used outdoors.
Building Site	Means the entire area of any Building Work secured with permanent or temporary fence, but also includes sites of excavation, landscaping and concreting.
Building Work	Means works for or in connection with the construction, alteration, demolition or removal of a building in respect of which a building permit is required under the <i>Building Act 1993</i> .
Built Up Area	Means, in relation to a length of Road, an area in which either or both of the following are present for a distance of at least 500 metres or, if the length of Road is shorter than 500 metres, for the whole of the Road:



	<p>a. buildings, not over 100 metres apart, on land next to the Road</p> <p>b. street lights not over 100 metres apart.</p>
Bulk Waste Container	Means a skip, bin, container, mobile storage unit, charity collection bin or other structure designed or used for holding a substantial quantity of waste (or storage and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with the Council's kerbside Waste, Recyclables and Green Waste collection services.
Busk, Busking	Means to perform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Campervan	Means any Campervan, mobile home or similar vehicle, which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle and includes a caravan, camper trailer and other similar towed living/sleeping trailer facility.
Camp, Camping	Means the occupation or use of a tent, makeshift structure, vessel, gazebo, swag or sunshade, caravan, campervan, mobile home or any other Vehicle (including under the Vehicle) for sleeping all or part of a day between sunset and sunrise or as temporary accommodation but excludes brief 'power napping' in a vehicle beside a highway for two hours or less.
Camping Area	Means any land within the Municipal District that has been declared by the Council or other public authority to be a 'Camping Area' for the purposes of this Local Law.
Chief Executive Officer	Means the person appointed by the Council to be its Chief Executive Officer or any person acting in that position
Contaminated Material	Means any material designated by the Council as unacceptable for deposit in a Council-provided mobile bin or other Council-provided bin or class of such mobile or other bins and publicised by printed matter or on Council's website.
Council	Means Greater Geelong City Council.
Council Land	Means any land owned, or vested in, or under the control or management of the Council excluding a Road, but including a Municipal Reserve or other reservation, watercourse, Foreshore Reserve, jetty, pontoon or boat ramp, and includes any structures, artworks, public decorations or other public displays erected upon or situated at these places including any waterway.
Delegated Officer	Means a person who holds an office or a position as a member of Council staff to whom the Chief Executive Officer has delegated a specific power, duty or function under this Local Law.
Derelict Vehicle	In a poor condition as a result of damage, disuse or neglect.
Dilapidated Building	In a state of disrepair or ruin as a result of damage, disuse, age or neglect.

Domestic Bird	Means a small bird such as a canary, finch, budgerigar or the like that is kept in a cage or aviary but excludes a Large and/or Noisy Bird capable of causing disturbance and discomfort to neighbours, and, for the purposes of the <i>Table of Numbers and Types of Animals</i> , excludes pigeons.
Droving of Livestock	Means a single driving of Livestock in or through the Municipal District, or from one location to another for the purpose of changing the grazing area, or for the purposes of sale or relocation after sale.
Dwelling	Means a building used as a self-contained residence which normally includes food preparation facilities, washing and toilet facilities and includes any associated out-buildings and works normal to a residence.
Effective Control	Means that the owner of an animal always has the animal in sight, that the animal will return immediately on command, and does not demonstrate any hostility or over exuberance to people or other animals.
Electric Personal Transporter	means a vehicle designed for use by one person that: <ul style="list-style-type: none"> <li>a. has 2 wheels that operate on a single axis</li> <li>b. is designed to be self-balancing while a person is using it</li> <li>c. is propelled by an electric motor</li> <li>d. is steered by means of a handlebar</li> <li>e. has a maximum speed of 25 kilometres per hour</li> <li>f. is fitted with a device that can limit the maximum speed to 10 kilometres per hour</li> <li>g. has a maximum width of 850 millimetres</li> <li>h. has a maximum weight of 60 kilograms when not carrying a person or any load.</li> </ul>
Electric Scooter	means a vehicle designed for use by one person that: <ul style="list-style-type: none"> <li>a. transports a person while the person is standing</li> <li>b. has 2 wheels (one in front of the other)</li> <li>c. has a footboard between the front and rear wheels</li> <li>d. is steered by means of a handlebar</li> <li>e. has a maximum speed capability of 25 kilometres per</li> <li>f. hour when ridden on level ground</li> <li>g. can be propelled by one or both of the following: <ul style="list-style-type: none"> <li>i. one or more electric motors</li> <li>ii. a person pushing one foot against the ground.</li> </ul> </li> </ul>

Event	<p>An event is when one or more of the following applies:</p> <ol style="list-style-type: none"> <li>a. you plan to erect temporary infrastructure eg marquee, portable toilets, fences, inflatables, petting zoo</li> <li>b. the activation will likely attract 100 attendees or more</li> <li>c. you require vehicle access to a location</li> <li>d. you are charging participants a fee to access the site</li> <li>e. requires a road closure or changes traffic conditions</li> <li>f. is publicly announced or advertised.</li> </ol>
Fence (Fencing)	Means any enclosure by design or intent that is used for the confinement of an Animal, or for security, privacy, amenity or property boundary marking, and includes (but is not limited to) a gate, grid or similar structure.
Footpath	Means a pathway or other area constructed or developed by a public authority for use by pedestrians.
Foreshore Reserve	Means any land, whether or not owned, or vested in, or under the control and management of the Council, adjacent to the waters of Corio Bay, Port Phillip Bay or Bass Strait or any inland lake, river, stream, creek or other waterway, but does not include a Road.
Graffiti	Means any defacement of property, whether written, drawn, sprayed, scratched or otherwise marked on a wall or other surface, which is not readily removable by wiping with a dry cloth, is detrimental to the visual amenity of the neighbourhood and is not part of any approved artistic exhibition.
Grazing of Livestock	Means the use of a Road for the purposes of grazing Livestock, which includes supplementary feeding.
Green Waste	Means all types of organic Waste produced or accumulated on any land that the Council designates as acceptable Waste for any Green Waste collection as described by the Council in any newspaper generally circulating in the Municipal District.
GVM	<p>Means the Gross Vehicle Mass of a Vehicle which means the maximum loaded mass of the Vehicle:</p> <ol style="list-style-type: none"> <li>a. as specified by the Vehicle's manufacturer; or</li> <li>b. as specified by VicRoads if: <ol style="list-style-type: none"> <li>i. the manufacturer has not specified a maximum loaded mass</li> <li>ii. the manufacturer cannot be identified</li> <li>iii. the Vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate (<i>as in the Road Safety Act 1986</i>).</li> </ol> </li> </ol>

Heavy Vehicle	Means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes, and includes: <ul style="list-style-type: none"> <li>a. any other Vehicle that is physically connected to the heavy vehicle (even if that other Vehicle is not a heavy vehicle)</li> <li>b. a bus that is used, or intended to be used to carry passengers for reward or in the course of a business.</li> </ul>
Incinerator	Means a structure, device or contraption (not enclosed in a building) which is: <ul style="list-style-type: none"> <li>a. used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance</li> <li>b. not licensed or otherwise subject to control under the provisions of any legislation</li> <li>c. not a Barbeque or a manufactured fireplace for the purpose of outdoor heating or cooking.</li> </ul>
Infringement Notice	Means an Infringement Notice issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law with respect to an offence against the Local Law, which is an infringement offence under the <i>Infringements Act 2006</i> .
Internal Review Officer	Means an employee of Council authorised to undertake internal reviews of appeals against Infringement Notices or appeals against decisions or actions of an Authorised Officer or Delegated Officer made under this Local Law.
Large and/or Noisy Bird (including a Rooster)	Means, in relation to the keeping of an Animal, any large and/or noisy bird capable of causing a disturbance or discomfort to neighbours particularly by noise, such as a cockatoo, macaw, peacock, large parrot, pheasant, rooster, turkey, goose or other similar sized bird or any other noisy bird regardless of size, but excludes Poultry, a Domestic Bird, a pigeon or other small non-noisy bird.
Licensed Premises	Means premises licensed under legislation to sell or serve alcohol and includes premises which have been granted a BYO permit under legislation.
Liquor	Means a beverage or other prescribed substance intended for human consumption, with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20° Celsius.
Litter Device	Means, in relation to the excrement of an Animal, an apparatus designed for the purpose of removing the excrement of the Animal and wrapped in impermeable material.
Livestock	Means an Animal (including a Domestic Bird, a Large and/or Noisy Bird and Poultry) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport, other than a dog or cat.
Local Law Manual	Means a publication by that name incorporated by reference into this Local Law.
Local Water Authority	Means Barwon Region Water Corporation or its successor.
Long Vehicle	Means a Vehicle that, together with any load or projection, is 7.5 metres long or longer.

Manager	Means a Person appointed by the Council to manage any Municipal Building, Municipal Reserve or other Municipal Place, or any other relevant Authorised Officer or Delegated Officer of the Council.
Motor Bike or other Motorised Recreational Vehicle	<p>Means a motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a Road) and includes, but is not limited to, the following motor vehicles:</p> <ul style="list-style-type: none"> <li>a. a motor vehicle with two (2) wheels, with or without a sidecar attached that is supported by a third wheel</li> <li>b. a motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels</li> <li>c. any other motorised, recreational vehicle including, but not limited to, mini-bikes, trail bikes, monkey bike, motorised scooters, motorised go-carts and quad bikes;</li> </ul> <p>but excludes:</p> <ul style="list-style-type: none"> <li>a. a motorised wheelchair, or other aid used by a Person with a disability or limited mobility</li> <li>b. a motorised farm vehicle that is being used for farming purposes</li> <li>c. a motorised bicycle with a maximum capacity of 22 watt aggregate power.</li> </ul>
Municipal Building	Means any building (and its grounds) owned, occupied, controlled or managed by the Council, which has some or all areas available for public or community access but may also have some or all areas designated for employee or staff only access, and includes aquatic and recreation centres.
Municipal District	Means the area under the local government of the Council
Municipal Place	Means any place within the Municipal District that is owned or occupied by the Council and/or controlled or managed by the Council, which the public may or may not have access to (whether an admittance fee is required or not) but also includes Council Land, a Municipal Reserve, Foreshore Reserve, Municipal Building, recreation centre, Footpath and Road, and any structures, artworks, public decorations or other public displays erected upon or situated at these places including any waterway.
Municipal Reserve	Means any land, water, waterway or water course either owned or vested in, or under the control and management of the Council, and used or set aside as a reserve, whether for outdoor cultural, environmental, recreational or other purposes, including any artworks, public decorations, other public displays and any structures other than a building, erected upon or situated at these places including any waterway, but excludes a Road.
Municipal Stormwater System	Means the drainage system owned, operated or managed by Council which provides for conveyance of stormwater run-off, including kerb and channel, open channels, underground pipe systems, constructed wetlands and natural waterways.
Notice to Comply	Means a Notice to Comply issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law.
Notice of Prohibition from Entry	Means a Notice of Prohibition from Entry issued by the Council or by an Authorised Officer or Delegated Officer under this Local Law having regard to the matters set out in the <i>Local Law Manual</i> .

Owner of Livestock	<p>a. a person who is entitled to legal or equitable possession of livestock whether solely or jointly</p> <p>b. a person who has custody of livestock on behalf of a person referred to in paragraph a.</p>
Outdoor Eating Facility	Means a facility set up out of doors on Council Land or on a Road at which food or drinks may be consumed, and includes all associated chattels, items and associated infrastructure used in the operation of the facility.
Penalty Unit	Means a Penalty Unit set out in section 110(2) of the <i>Sentencing Act 1991</i>
Permit	Means a Permit issued by the Council under this Local Law.
Permit Holder	Means a Person to whom a Permit has been issued under this Local Law.
Person	Includes an individual and any other legal entity, whether a corporation, incorporated association or otherwise.
Planning Scheme	Means a planning scheme approved under the <i>Planning and Environment Act 1987</i> that operates within the Municipal District.
Poultry	Means any bird such as a fowl, bantam or duck, but excludes a rooster, goose, or turkey. [See ' <i>Large and/or Noisy Bird (including a Rooster)</i> ']
Procession	Means an organised group of people progressing along a Road or gathering for a ceremony or function and includes a fun run and/or bicycle event.
Recyclables	Means any substances or articles which the Council designates as Recyclables and are described by the Council in any newspaper generally circulating in the Municipal District.
Waste Facility	Means, in relation to Building Works or a Building Site, an enclosed receptacle of solid construction (not plastic bags) capable of retaining builder's waste within a Building Site and preventing removal of the builder's waste by unauthorised persons or by wind or rain.
Road	Has the same meaning as in the 1989 Act but does not include a freeway or an arterial road over which the Council is not the road authority.
Schedule	Means a Schedule to this Local Law.
Sell (Selling)	Means to offer, negotiate, accept or undertake an exchange of goods or services for consideration and includes to barter or exchange, to agree to sell, to offer or display for sale, to have or keep goods in possession for the immediate purpose of sale rather than storage, to use any machine or mechanical device for the purpose, and to direct, cause or attempt any of these things.
Senior Officer	Has the meaning ascribed to it in section 3 of the 1989 Act and includes the Chief Executive Officer.
Service Authority	Means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth and may include an emergency service.
Smoke	smoke, hold or otherwise have control over, an ignited or heated tobacco product; or use an e-cigarette to generate or release an aerosol or vapour.

Smoke Free Area	Means an area of, or in, any Municipal Place, which has been declared by the Council as a “smoke free” or “non-smoking” area and has Smoke Free Area signage erected and maintained.
Sound System	Means a system for producing or amplifying music and other sound and includes a car stereo or radio system.
Spruik	Means attracting custom by public aural appeals to passers-by, with or without sound amplification equipment.
Street Party	Means an organised social gathering of people from one or several adjacent Roads that is held in full or in part on a Road.
Trade Waste	Means any Waste, refuse, slops or other matter arising from or generated by any trade, industry or commercial undertaking.
Traffic	Means the movement of people by foot, or in, or on, a Vehicle along, across or within a Road.
Traffic Control Device	Means a Traffic Control Device, within the meaning of the <i>Road Safety Road Rules 2017</i>
Vehicle	<p>Means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes but not limited to:</p> <ul style="list-style-type: none"> <li>a. a motor vehicle, trailer or tram;</li> <li>b. a bicycle;</li> <li>c. an air-cushion vehicle, and</li> <li>d. caravan or horse float</li> </ul> <p>but excludes a train.</p> <p>However, a reference in this Local Law to a Vehicle:</p> <ul style="list-style-type: none"> <li>a. also includes a reference to: <ul style="list-style-type: none"> <li>i. an Animal that is being ridden or is drawing a Vehicle</li> <li>ii. a group of vehicles consisting of a motor vehicle connected to one or more vehicles</li> <li>iii. a Motor Bike Electric Scooter or other Electric Personal Transporter; but</li> </ul> </li> <li>b. but excludes a reference to: <ul style="list-style-type: none"> <li>i. a wheelchair other than a motorised wheelchair capable of a speed of 10 kilometres per hour or more</li> <li>ii. a Wheeled Recreational Device except a bicycle when ridden on a carriageway</li> <li>iii. a Wheeled Toy.</li> </ul> </li> </ul>
Vehicle Crossing	Means the constructed surface between the road pavement to the property boundary for vehicle access, including any Footpath section, crossing culverts, kerb and channel or layback.

Waste	<p>Means:</p> <ul style="list-style-type: none"> <li>a. any matter including solid, liquid, gaseous or radio-active matter, that is deposited, discharged, emitted or disposed of into the environment in a manner that alters the environment;</li> <li>b. a greenhouse gas substance emitted or discharged into the environment;</li> <li>c. matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value;</li> <li>d. matter prescribed to be waste.</li> <li>e. matter or greenhouse gas substance referred to in paragraph (a), (b), (c) or (d) that is intended for, or is undergoing, resource recovery.</li> </ul>
Wheeled Recreation Device	<p>Means a wheeled device, built to transport a person, propelled by human power or gravity (or in the case of a scooter, propelled by a person pushing one foot against the ground, or by an electric motor or motors, or by a combination of these), and ordinarily used for recreation or play, and includes rollerblades, rollerskates, a skateboard, a scooter (other than an electric scooter) that is not a motor vehicle, or similar wheeled device.</p>
Wheeled Toy	<p>means a child's pedal car, scooter (other than a motorised scooter) or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old.</p>



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# PART 2 – YOUR PROPERTY, ANIMALS AND WASTE COLLECTION

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## YOUR PROPERTY

### 10 UNSIGHTLY LAND

An owner or occupier of any land must not cause or allow the land or any structure on the land to be kept in a manner which is unsightly or detrimental to the character of the surrounding neighbourhood in which it is located.

#### Penalty: 15 Penalty Units

A property can be considered unsightly if it includes one or more of the following:

- haven for vermin
- unconstrained or excessive rubbish
- disused machinery, vehicles or waste material
- accumulated items visible to the public
- excessive vegetation including grass or weeds in excess of 200 mm in height
- graffiti that is visible to the public
- any other thing that gives the impression that the land is neglected or unoccupied

### 11 DANGEROUS LAND

An owner or occupier of any land must not cause or allow the land to be kept in a manner which is dangerous or likely to cause danger to a Person, life or property, including but not limited to land which is:

- a. a potential haven for vermin or any noxious weed;
- b. used for the storage of any substance which is dangerous or is likely to cause danger to a Person, life or property due to the excessive amounts or nature of the substance, and having regard to the location, use and zoning of the land.

#### Penalty: 20 Penalty Units

### 12 DILAPIDATED BUILDINGS

*Run-down, badly maintained or neglected structures can fall into disrepair, reduce neighbouring property values, encourage unauthorised occupation, attract anti-social or criminal behaviour, and reduce community perceptions of amenity and safety. These buildings can also become a haven for vermin. Consequently, the Council requires owners and occupiers to maintain their buildings and structures to avoid these problems.*

The owner or the occupier of land on which is located any building or other structure which is unoccupied, unfit for occupation or normal use, or not occupied most of the time:

1. must not permit any structure to become dilapidated or further dilapidated
2. must take all reasonable steps to secure the building and land from unauthorised access, including, if required, secure Fencing, adequate locks and any other security options deemed necessary
3. must take reasonable steps to prevent or remedy the land from being a haven for regular anti-social or unlawful behaviour by unauthorised persons;
4. must not allow any Graffiti to remain on any building, wall, Fence, post or other structure or object erected on that land
5. must take all reasonable steps to remove any vermin inhabiting the building

#### Penalty: 20 Penalty Units

## 13 BURNING MATERIALS

*Clean air is a part of the amenity of our neighbourhoods and all Persons need to avoid creating Offensive emissions of smoke and odour that may invade neighbouring properties from burning materials in the open.*

1. A Person must not burn, or cause, or allow to be burnt, in the open in any part of the Municipal District:
  - a. any offensive materials
  - b. any materials that may cause offensive emissions of smoke and odour to enter any neighbouring property.

### Penalty: 15 Penalty Units

*Information on what is an offensive material or an offensive emission is in the Local Law Manual.*

2. A Person must not, without a Permit, burn outside, or cause, or allow to be burnt outside on any land in the Municipal District, any materials, whether in the open air or in any built or manufactured Incinerator or similar device.

### Penalty: 15 Penalty Units

Information about obtaining a Permit is in the Local Law Manual.

3. A Person who has lit or allowed a fire to be lit or remain alight, or has burned or caused or permitted to be burned any materials, contrary to this Clause, must extinguish the fire or burning materials immediately on being directed to do so by an Authorised Officer or Delegated Officer.

### Penalty: 20 Penalty Units

4. The following exemptions apply in respect of this Clause:
  - a. in respect to Sub-clause 2, use a BBQ, chiminea, properly constructed fireplace or a firepit no larger than 1 metre in diameter, designed primarily for cooking or heating.
  - b. council staff members and any Person contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as a part of normal reserve maintenance on any Council Land or Road;

- c. Fire Agencies carrying out training or fire hazard reduction activities; and
- d. an Authorised Officer or Delegated Officer may grant exemptions to any part of this Clause in special or unusual circumstances, such as in emergencies, urgent circumstances or natural disasters.

## 14 FIREWORKS

A Person must not, without a Permit, light or cause or allow to be lit any fireworks on any land.

### Penalty: 20 Penalty Units

## 15 CAMPING ON ANY LAND OTHER THAN COUNCIL LAND OR A ROAD

1. A Person, must not, without a Permit, camp on any land other than Council Land or a Road unless:
  - a. the Person is within a licensed caravan park, Camping Area or other area determined to be available for camping purposes by the Council
  - b. the Person is the owner or occupier of the land or has the permission of the owner or occupier, and:
    - i. camps for a maximum period of 60 days in any six (6) month period, provided that sanitation and laundry facilities of a Dwelling located on the land are available to all persons camping
    - ii. camps for a maximum period of 30 days in a 12 month period, in the case of vacant land outside a Built Up Area.

### Penalty: 15 Penalty Units

2. The owner of any land must not grant any person permission to camp on such land contrary to sub clause (b).

*Also note separate Clause 70, Camping on Council Land or a Road in Part 6: Municipal Places, Reserves, Landfill Sites and Buildings of this Local Law.*

## 16 SHIPPING CONTAINERS

A Person must not, without a permit:

1. keep, store, repair or in any other manner use any shipping container upon any Council Land or a Road
2. allow any shipping container upon any land other than Council Land or a Road in a built up area.

**Penalty: 15 Penalty Units**

3. Sub-clause 1 does not apply to the Council or any person employed, contracted or authorised by the Council for the purpose.

## 17 INSTALLED INTRUDER ALARMS

An owner or occupier of land must not install, allow to be installed, or cause to be retained and active on the land or on any motor vehicle on the land, any form of intruder alarm which emits a noise audible beyond the boundary of the land unless:

1. there are legibly and prominently displayed close to the front door of the premises on the land the name and telephone number of a person who can be contacted in the event of that intruder alarm being activated; and
2. whenever a detection device is activated:
  - a. the alarm is automatically rendered inaudible beyond the boundary of the land within 10 minutes of being activated;
  - b. the alarm cannot reactivate following the operation of that single detection device until the alarm condition has been manually reset
  - c. the alarm is automatically rendered inaudible beyond the boundary of the land within a further period of 5 minutes if a different detection device is activated following the first cessation of the alarm.

**Penalty: 15 Penalty Units**

## 18 ADDRESS NUMBERS

1. The Council or an Authorised Officer or Delegated Officer may allocate an address number to any Allotment in the Municipal District and, from time to time, may make changes to any address number.
2. The owner or occupier of an occupied Allotment that has been allocated an address number under Sub-clause 1 must mark or re-mark the Allotment with the current number allocated and that number must be:
  - a. of such form and durable material
  - b. of sufficient size
  - c. in such a position
  - d. kept in such state of repair
  - e. kept clear of vegetation and other obstructions so as to be clearly visible and readable under all normal lighting conditions from the road on which the Allotment has its frontage.

**Penalty: 10 Penalty Units**

## **19 TREES, PLANTS, SIGNS AND STRUCTURES NOT TO OBSTRUCT OR OBSCURE**

The owner or occupier of any land must not allow any vegetation growing on the land or any sign, structure or other thing located on the land:

1. to obstruct or interfere with:
  - a. the passage of Traffic on a Road
  - b. any driver or pedestrian's clear view of any other Vehicle, pedestrian or Traffic Control Device
  - c. the view between motor vehicles, trains and level crossing signals or warnings
  - d. street lighting or any traffic control device
2. to constitute a danger to Vehicles or pedestrians or compromise the safe or convenient use of an abutting Road
3. to overhang or protrude past the property boundary onto any Footpath or nature strip at a height lower than 2.4 metres from the surface of the Footpath or nature strip
4. to overhang 3.6 metres over a Road, carriageway, street or lane
5. to accumulate dropped berries, leaves or other materials on a Footpath so as to cause obstruction or danger to any pedestrian.

**Penalty: 15 Penalty Units**

## YOUR ANIMALS

### 20 KEEPING ANIMALS

1. An owner or occupier of any land must not, without a Permit:
  - a. keep or allow to be kept more than 6 different types of any Animal on any one parcel of land of 2 hectares or less at any time
  - b. must not keep or allow to be kept any more in number, for each type of Animal, than is set out in the Table of Animal Types and Numbers in this Clause.

Penalty: 10 Penalty Units

<b>Table of Animal Types and Numbers</b>			
<b>Type Of Animal</b>	<b>In Flats, Units or Townhouses</b>	<b>On land less than 0.4 ha in a built up area #</b>	<b>On land between 0.4 ha and 2 ha # * ++</b>
Dogs (Small = adult dog up to 10 kg)	2 small or 1 large	2	4
Cats	2	2	4
Poultry (excluding Roosters)	0	12	24
Large and/or Noisy Birds (including Roosters)	Not allowed	Not allowed	5
Pigeons	0	12 Pairs	20 Pairs
Domestic Birds (caged, excluding Large and/or Noisy Birds)	6	30	No Limit
Domestic Rabbits, Guinea Pigs and Mice	2	4	No Limit
Horses and donkeys *	Not allowed	Not allowed	2 *
Cattle *	Not allowed	Not allowed	2 *
Sheep, goats and alpacas *	Not allowed	0	6 *
Pigs *	Not allowed	Not allowed	2 *
Any other Livestock *	Not allowed	0	2 *
* Maximum total number of all livestock	Not allowed	0	8 *
# 0.4 hectares = 4000 sqm      2 hectares = 20,000 sqm			
* Animal numbers on any private property or land exceeding 2 ha are subject to restrictions applicable under the Planning Scheme.			
++ Land between 0.4 and 2 ha in rural areas may be permitted to pursue animal husbandry activities under the Planning Scheme. It is recommended enquiries be made of the Council's Planning Department.			
<i>Not allowed – unable to apply for a permit</i>			

2. The holder of any permit issued under any State or Commonwealth legislation for the keeping of any exotic, wild, dangerous, or large Animals not listed in Sub-clause 1 must notify Council of the keeping of the animal.
3. For the purpose of calculating the numbers of any Animal kept under Sub-clause 1, the offspring of any Animal lawfully kept will be counted from 12 weeks after its birth.
4. A person must not feed a dog or cat which they do not own unless:
  - a. the owner of the dog or cat provides consent
  - b. The dog or cat has been legally trapped
  - c. The dog or cat is in need of emergency care and the Person is unable to locate the owner.

## **21 ANIMAL ACCOMMODATION**

1. An owner or occupier of land, must ensure that any Animals and birds, except dogs and cats, kept on that land are:
  - a. kept in a secure shelter, structure or Fenced area
  - b. confined to the land unless they are under the effective control of a Person.

### **Penalty: 10 Penalty Units**

2. An owner or occupier of land which is less than 0.4 hectares (4000 sqm) in a Built Up Area, or on other land between 0.4 and 2 hectares (20,000 sqm), must ensure that any animal shelters or structures on that land are maintained to the satisfaction of an Authorised Officer or Delegated Officer.

### **Penalty: 10 Penalty Units**

*Note that confinement and control of dogs and cats is regulated under the Domestic Animals Act 1994 and may include additional Council Orders made under that Act.*

## **22 NOISE AND SMELL FROM ANIMALS**

1. An occupier of any land on which any Animal is kept must not allow any noise, smell or discharge to emanate from the Animal or animal accommodation which is offensive to, or interferes with, the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

### **Penalty: 10 Penalty Units**

## **23 ANIMAL EXCREMENT**

1. A Person in charge of any Animal must not allow any part of the excrement of the Animal to remain on any Road or Council Land.

### **Penalty: 10 Penalty Units**

2. A Person in charge of any Animal on any Road or Council Land must carry a Litter Device suitable to clean up any excrement left by the Animal and must produce a Litter Device upon request by any Authorised Officer or Delegated Officer.

### **Penalty: 10 Penalty Units**

3. Exemption: Livestock outside a Built Up Area is exempt from Sub-clause 2.

## 24 ADEQUATE FENCING

*The escape of any Animal can easily result in a serious accident or life-threatening tragedy. Consequently, owners and occupiers of land have an important responsibility to ensure the safety of the community, of Road users and of all the Animals they keep by containing all of their Animals (including Livestock) on their property with adequate Fencing. Offences and penalties relating specifically to the confinement of Livestock are dealt with under the Impounding of Livestock Act 1994 (Vic).*

1. Where any Animal is kept on any land, the owner or the occupier of the land must ensure that the land is fenced in a way that will prevent the Animal from escaping from the land.

**Penalty for first offence (except relating to Livestock): 10 Penalty Units**

**Penalty for second and subsequent offence (except relating to Livestock): 15 Penalty Units**

2. No offence is committed under this clause where it can be shown that extreme or unusual circumstances beyond the control of the owner or the occupier, such as wildfire, flood or dog attack, directly resulted in the escape of the Animal through otherwise adequate Fencing.

*See also Part 3 – Vehicles, Roads, and Stock Movements Vehicles – Clause 38 Livestock on Roads.*

## 25 INDIVIDUAL ANIMAL PERMIT

1. A person must not, without a Permit, keep or allow to be kept any dog (not being a declared menacing or dangerous dog or restricted breed dog) that:
  - a. has offended under the Domestic Animals Act 1994, as amended from time to time, for dog rush or an attack

**Penalty for First Offence: 10 Penalty Units**

- b. An Authorised Officer or a Delegated Officer may assess an application and may decide that, based on the special circumstances of the matter, a Permit under sub-clause 25(1) is not required, or is no longer required.

## YOUR WASTE COLLECTION

### 26 WASTE, RECYCLABLES AND GREEN WASTE COLLECTIONS

1. The occupier of every Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections) must:
  - a. use only Council-provided mobile bins or other Council-approved bins in connection with the waste collection service, which bins remain the property of Council
  - b. deposit garbage only in the mobile garbage bin, Recyclables only in the mobile recycling bin and Green Waste only in the mobile Green Waste bin
  - c. not place any Contaminated Material in a mobile bin
  - d. not cause contamination of mobile bins by depositing items or material in the bins other than garbage in the designated bin
  - e. if directed by the Council to remove Contaminated Material from any mobile bin, comply with that direction
  - f. if directed by the Council to dispose of all contents of a mobile bin containing Contaminated Material, comply with that direction
  - g. only leave the mobile bins out for collection on days designated by the Council from time to time as collection days, or such other days as may be directed by an Authorised Officer or Delegated Officer
  - h. not leave any mobile bin out for collection more than one day before or one day after a designated collection day
  - i. place all mobile bins:
    - i. adjacent to the kerb outside the front of the premises, at least half a metre clear of any fixed object or adjacent bin and, as far as practicable, free of any other obstruction to collection
    - ii. at an alternative collection point as approved or designated by an Authorised Officer or Delegated Officer
  - j. place all mobile bins out for collection in a manner specified in any written advice made available to the occupier by the Council
  - k. ensure that any mobile bin (including contents) placed out for collection does not exceed 70 kilograms
  - l. maintain all mobile bins in a clean and sanitary condition
  - m. ensure that the area where the mobile bins are kept on the premises is kept clean and in a sanitary condition
  - n. ensure so far as is reasonably practicable that the lid of any mobile bin is closed, except when being accessed
  - o. not cause damage to or tamper with any mobile bins
  - p. ensure that each mobile bin is not overfilled thereby preventing the lid from being adequately closed down
  - q. not place out for collection any material immediately adjacent to the mobile bin
  - r. ensure that no mobile bin is removed from the premises except for collection of material in accordance with this Local Law
  - s. not use and store on the property any Council provided mobile bin that is not registered to that property.

**Penalty: 10 Penalty Units**



2. Council-provided mobile bins or other Council-approved bins remain the property of the Council and may be:
  - a. replaced or exchanged in whole or part
  - b. replaced or exchanged with bins of a different designated Waste type.
3. An occupier or owner of any Dwelling or other land to which the Council provides a Waste collection service (including Recyclables and Green Waste collections) must not after receiving one initial written warning place any Contaminated Material in a Council-provided mobile bin or other Council-approved bin.

**Penalty for First Offence: 5 Penalty Units**

**Penalty for Second Offence: 10 Penalty Units**

**Penalty for Third and Subsequent Offences: 20 Penalty Units**

## **27 HARD WASTE**

The occupier of every premises to which a hard Waste collection service is provided by the Council may place out for collection any hard Waste, and must do so in a manner set out in a notice published by the Council's websites or as specified in any written advice provided to the occupier by the Council.

**Penalty: 10 Penalty Units**

## **28 INTERFERENCE WITH WASTE, RECYCLABLES, GREEN WASTE OR HARD WASTE**

A Person must not remove, add to or interfere with any hard Waste or designated mobile bin left out by any other Person on a Road or on Council Land for collection by the Council, unless employed, authorised or contracted by the Council for the purpose, or with the consent of the Person who occupies the premises to which the mobile bin is allocated.

**Penalty: 10 Penalty Units**

*Clauses related to the Council's landfill sites, recycling and Waste transfer facilities and resource recovery centres can be found in Part 6: Municipal Places, Reserves, Landfill Sites and Buildings of this Local Law.*

# PART 3 – VEHICLES, ACTIVITIES ON ROADS AND STOCK MOVEMENTS

## 29 MOTOR BIKES AND MOTORISED RECREATIONAL VEHICLES

1. A Person must not on any part of any Council Land excluding a Road, without a Permit:
  - a. drive, ride on or otherwise use
  - b. permit a person under their care or control to drive ride on or otherwise usea Motor Bike or other Motorised Recreational Vehicle, unless the part of the Council Land has been designated for that purpose.

### Penalty: 15 Penalty Units

2. A Person must not, without a Permit:
  - a. drive, ride on or otherwise use any Motor Bike or other Motorised Recreational Vehicle in a Built Up Area on any land other than Council Land or a Road, except for the purpose of directly accessing or leaving that land

### Penalty: 15 Penalty Units

- b. drive, ride on or otherwise use any Motor Bike or other Motorised Recreational Vehicle outside a Built Up Area:
  - i. for no more than two motorised recreational vehicles at any one time
  - ii. for no more than two hours per day in total
  - iii. only between 10.00 am and 6.00 pm.

### Penalty: 15 Penalty Units

- c. as the owner or occupier of any land, allow a Person to drive, ride on or otherwise use any Motor Bike or other Motorised Recreational Vehicle in contravention of this clause;

### Penalty: 15 Penalty Units

- d. These requirements do not apply to the use of a Motor Bike or Motorised Recreational Vehicles whilst undertaking farming activities and primary production on land zoned Rural or Farming.
3. this clause does not apply while undertaking farming activities and primary production on land zoned rural or farming under the planning scheme.

## 30 VEHICLE SOUND SYSTEMS

*The noise from Sound Systems of motor vehicles, and noise emitted from Roads and other Municipal Places can unfairly interfere with the reasonable comfort of people occupying abutting premises.*

1. A person must not cause the Sound System of a motor vehicle to be used so as to emit noise that is offensive or causes undue disturbance.

### Penalty: 10 Penalty Units

2. A driver of a motor vehicle must not drive or use the motor vehicle on a Road if the Sound System of that motor vehicle emits noise that is offensive or causes undue disturbance.

### Penalty: 10 Penalty Units

3. A person on a Road or other Municipal Place must not emit, or cause to be emitted, a level of noise as to materially interfere with the reasonable comfort of any person occupying premises abutting the Road or other Municipal Place.

### Penalty: 10 Penalty Units

## 31 REPAIR AND DISPLAY FOR SALE OF VEHICLES ON ROADS

1. A Person must not dismantle, paint, service, carry out maintenance on, repair or dismantle a Vehicle on a Road, or on Council Land, or allow or authorise another Person to do so, except in an emergency breakdown for the purpose of removing it.

### Penalty: 15 Penalty Units

2. A Person must not display a Vehicle for sale on a Road or on Council Land.

### Penalty: 15 Penalty Units

### **32 DERELICT VEHICLES**

1. A Person must not leave any derelict Vehicle on any Road, Council Land or Municipal Place, whether temporarily or permanently.

**Penalty: 15 Penalty Units**

2. Any Vehicle found on any Road or Council Land or Municipal Place and considered by an Authorised Officer or Delegated Officer to be a derelict Vehicle, may be dealt with in accordance with the 1989 Act.

### **33 VEHICLES – STORING**

1. A Person must not, without a Permit, keep or store or allow to be kept, stored any;
  - a. Heavy Vehicle or Long Vehicle on any land other than council land less than 5000sqm in a Built Up Area; or
  - b. Heavy Vehicle or Long Vehicle on any other land less than 5 hectares (50,000sqm) for three or more Heavy Vehicles or Long Vehicles.

**Penalty: 10 Penalty Units**

### **34 WASTE RECEPTACLES PLACED ON ROADS OR COUNCIL LAND**

1. A Person must not, unless in accordance with this Local Law or with a Permit, place or cause to be placed on any Road or Council Land:
  - a. any mobile waste bin, Council approved waste bin, Trade Waste hopper, builder's waste Facility, skip bin, Bulk Waste Container or other Waste container
  - b. any Waste materials of any nature
  - c. if the Person is a the permit holder, they must ensure that all items within a 2 metre radius of the bin are removed and placed in the bin and that the same area is kept in a clean and tidy state
  - d. An exemption applies to a Person acting contrary to this Clause where the Person is:
    - i. employed by the Council and is acting in the course of their duty
    - ii. contracted to Council for the purpose.

**Penalty: 15 Penalty Units**

## 35 PUBLIC WASTE BINS

*Proper use of public waste bins prevents litter, increases recycling and protects our environment. Business operators have an obligation to make private arrangements for disposal of all Trade Waste.*

1. The owner or occupier of premises must not deposit any garbage or Recyclables or Green Waste or any other Waste material of any kind which has been generated in or from that premises in a public waste bin.

**Penalty: 10 Penalty Units**

2. A Person must not deposit into a public waste bin any trade waste, uncooked meat, uncooked fish heads or entrails or material prohibited by resolution of Council other than in a public waste bin designated for such Waste.

**Penalty: 10 Penalty Units**

3. A Person may only place animal excreta in a public waste bin if it is wrapped in impermeable material.

**Penalty: 10 Penalty Units**

## 36 SHOPPING TROLLEYS

1. A Person must not leave a shopping trolley on:
  - a. a Road
  - b. Council Land except in an area designated by the Council for the leaving of shopping trolleys
  - c. any vacant land.

**Penalty: 10 Penalty Units**

2. The owner of any shopping trolley made available to members of the public must ensure that the shopping trolley legibly identifies their name and trading address.

**Penalty: 10 Penalty Units**

3. The owner of any shopping trolley made available to members of the public must ensure that any shopping trolley left in any place other than the owner's shopping trolley storage area is collected and returned to that storage area within 24 hours of being notified.

**Penalty: 10 Penalty Units**

## 37 FESTIVALS, PROCESSIONS AND PUBLIC ADDRESS SYSTEMS ON ROADS

1. A Person must not, without a Permit:
  - a. hold a Street Party, or Procession or activity on a Road

**Penalty: 15 Penalty Units**

or

- b. use a megaphone or similar audible public address system on a Road or Council Land.

**Penalty: 15 Penalty Units**

2. Political or industrial marches are exempt under this Clause, provided Victoria Police is informed prior to the march.

## 38 LIVESTOCK ON ROADS

*Victorian Road Rules control stock crossings. However, some farmers need to make short regular movements of livestock along public roads. While this is essential for the efficient operation of many farms, it also creates a considerable risk for the public, for the animals and for Council's assets. To help minimise these risks, the Council imposes requirements on persons undertaking the movement of livestock on a Road.*

1. A Person must not move Livestock on a Road unless the Person complies with the Council's Local Law Manual.

**Penalty: 10 Penalty Units**

2. A Person must not, without a Permit, undertake the Grazing of Livestock or the Droving of Livestock on a Road or Council Land.

**Penalty: 20 Penalty Units**

# PART 4 – BUSINESS AND BUILDERS

## BUSINESS

### 39 DISPLAYING GOODS FOR SALE ON A ROAD OR COUNCIL LAND

1. A Person must not, without a Permit, place or display any goods for sale or samples of goods for sale or cause or allow another Person under his or her control to do so on any part of a Road or Council Land.

#### Penalty: 20 Penalty Units

2. A Person who has placed, permitted to be placed, displayed or permitted to be displayed goods or an Advertising Sign on a Road or Council Land, with or without a Permit, must move or remove them if directed to do so by an Authorised Officer or Delegated Officer.

#### Penalty: 20 Penalty Units

3. Any goods left or displayed on any part of a Road or Council Land contrary to this Clause or displayed in contravention of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.

### 40 ROADSIDE TRADING

1. A Person must not, without a Permit, sell or offer for sale any goods or samples of goods, services, or cause or allow another Person under their control to do so on any part of a Road or Council Land.

#### Penalty: 20 Penalty Units

2. A Person who with or without a permit is selling or offering for sale any goods or services on a Road or Council Land, must move or remove them if directed to do so by an Authorised Officer or Delegated Officer.

#### Penalty: 20 Penalty Units

3. A Person must not, without a Permit, erect or place on any Road or Council Land any Vehicle, caravan, trailer, table, stall, tent, or other structure for the purposes of Selling or offering for sale any goods (including any Vehicle) or services.

4. Any goods left or displayed on any part of a Road or Council Land contrary to this Clause or displayed in contravention of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.

#### Penalty: 15 Penalty Units

5. Where a person trades contrary to the permit conditions or after a direction to desist or move by an Authorised Officer or Delegated Officer including a reasonable time to comply with that direction, any goods and associated equipment used by that Person may be removed from the site by an Authorised Officer or a Delegated Officer and impounded.

### 41 SPRUIKING, BUSKING AND PAVEMENT ART

1. A person must not, without a Permit, Spruik for commercial gain on any Road or Municipal Place or from any private property use any sound amplification equipment to Spruik onto any Road or Municipal Place.

#### Penalty: 10 Penalty Units

2. A person must not, without a Permit, Busk on any Road or Municipal Place or use any sound amplification equipment for the purpose of public entertainment or performance.

#### Penalty: 10 Penalty Units

3. A person must not, without a Permit, paint or draw on any Road or Council Land or property for the purpose of public entertainment, performance or the collection of money.

#### Penalty: 10 Penalty Units

## **42 ERECTING OR PLACING OF ADVERTISING SIGNS**

1. A Person must not, except in accordance with a Permit, erect or place an Advertising Sign on or over any part of a Road or Council Land, or cause or in any way authorise another Person to do so.

**Penalty: 20 Penalty Units**

2. A Person must not, except in accordance with a Permit, leave standing on any Road or Council Land any vehicle which contains any Advertising Sign, other than a sign which has been painted, etched, stuck to or magnetically transferred onto the unmodified original body of the vehicle.

**Penalty: 20 Penalty Units**

3. A Person who has erected or placed an Advertising Sign on a Road or Council Land or on a vehicle left parked on a Road or Council Land, with or without a Permit, must move or remove the Advertising Sign if directed to do so by an Authorised Officer or Delegated Officer.

**Penalty: 20 Penalty Units**

4. Any signage subject to a Planning Scheme permit is exempt from this Clause.

## **43 USE OF COUNCIL LAND OR A ROAD FOR OUTDOOR EATING FACILITIES**

1. A Person must not, without a Permit, use a Footpath or any part of a Road or any Council Land for the purposes of an Outdoor Eating Facility.

**Penalty: 20 Penalty Units**

2. Any tables, chairs, umbrellas, or other equipment or infrastructure in an Outdoor Eating Facility used in contravention of this Local Law or of any conditions of a Permit may be removed by an Authorised Officer or a Delegated Officer and impounded.

## **44 REMOVING OR ALTERING THE OUTDOOR EATING FACILITY**

1. A Permit Holder must remove or alter the Outdoor Eating Facility to which the Permit relates when requested to do so for the purposes of public safety by an Authorised Officer or a Delegated Officer or a member of the Victoria Police or an emergency service.

**Penalty: 20 Penalty Units**

## 45 COLLECTIONS, GIFTS AND DISTRUBTIONS

*Community hospitality and generosity to charitable organisations are a valued quality of our community, but this must be balanced against the right of every person not to be excessively imposed upon in their homes, streets or vehicles by charitable collectors, commercial traders or other organisations.*

1. A Person must not, without a Permit, from house to house:
  - a. solicit or collect any gifts of money, subscriptions or waste materials
  - b. distribute any handbills, information brochures or books
  - c. Sell or offer goods or services for sale
  - d. or cause or authorise another Person to do so.

### Penalty: 15 Penalty Units

2. A Person must not, without a Permit, from a Road or any Council Land:
  - a. solicit or collect any gifts of money, subscriptions or waste materials
  - b. distribute any handbills, information brochures, books, pamphlets, place cards, notices, advertisements, goods, gifts or samples,or cause or authorise another Person to do so.

### Penalty: 10 Penalty Units

3. The following exemptions apply:
  - a. Sub-clause 1 does not apply to:
    - i. the hand delivering to street-side letterboxes of any printed matter, except only where a 'no junk mail' sign is on the letterbox;
    - ii. the home delivery of newspapers, magazines or goods purchased at another location;
    - iii. goods delivered at the request of the occupier of the house.
    - iv. the sale of fundraising products by Persons authorised to act for on behalf of

a fundraising committee by an educational, cultural or recreational organisation that has been located within the Municipal District for a period of 2 years or more.

- b. Sub-clauses 1 and 2 do not apply to:
  - i. any political activity
  - ii. the distribution of printed electoral material
  - iii. the collection of signatures for a petition
  - iv. any activity which is exempt under any other Act or Regulation
  - v. any person authorised, employed or contracted by the Council for the purpose.

*Note: Clauses relating to the trading of goods or services on a Road or Council Land are found under Part 4 – Business and Builders: Clause 39.*

## BUILDERS

*(While the Clauses in this section (entitled 'Builders') particularly apply to building and development works, owners, builders and contractors are recommended to look at other Clauses protecting Council assets, including but not limited to, Part 3 – Vehicles, Activities on Roads and Stock Movements, and Part 6 - Municipal Places, Reserves, Landfill Sites and Buildings).*

### 46 ASSET PROTECTION – DRAINAGE TAPPING

1. A Person must not, without a Permit, for any purpose, enter, destroy, damage, tap into or interfere with any drain, including the opening of any Road or Council Land, where any part of the drain or the Road or Land is under the control of the Council.

#### Penalty: 20 Penalty Units

2. A person must not deposit, or allow to be deposited, into any drain vested in the Council any Waste material other than stormwater.

#### Penalty: 20 Penalty Units

3. A person granted an Asset Protection Permit under this Clause, may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted under Clause 48.

*Note Clause 48 security bond conditions apply to an Asset Protection Permit issued under this Clause and to any other Asset Protection Permit issued by Council.*

### 47 ASSET PROTECTION – OCCUPYING OR OPENING A ROAD OR COUNCIL LAND

1. A Person must not, without a Permit or other authority granted by Council, occupy or open any Road or Council Land.

#### Penalty: 20 Penalty Units

2. For the purposes of occupying or opening a Road or Council Land, a Permit or other authority is required for, but is not limited to, the following activities:
  - a. occupying or Fencing off part of a Road or Council Land
  - b. blocking any Road with a Vehicle or any other machinery or temporary structure
  - c. removing or planting vegetation or a tree on Council land other than grass on a naturestrip
  - d. erecting a hoarding, scaffolding or overhead protective awning on or over a Road or Council Land
  - e. using a mobile crane or travel tower to carry out Building Work on or over a Road or Council Land
  - f. service connections including stormwater, water, sewer, power, telecommunications, gas connections and any other service
  - g. making or fill a hole or excavation in any Road or Council Land
  - h. removing, or interfering with a temporary traffic control devices, barrier or other structure erected to protect pedestrians or regulate Traffic on a Road
  - i. ploughing or cultivating for firebreaks or cropping on any part of a Road or Council Land
  - j. any other activity involving the occupying or opening of a Road or Council Land or the tapping into of a Council drain on any Road or Council Land.
3. A Person to whom an Asset Protection Permit is issued under this Clause may be required to provide a security bond or guarantee under the same security bond conditions as if the Asset Protection Permit was granted under Clause 48.



4. An exemption applies to a Person acting contrary to this Clause where the Person is:
  - a. employed by the Council and is acting in the course of their duty; or
  - b. contracted to Council for the purpose; or
  - c. acting in accordance with a Permit issued for the cultivation of a nature strip garden;
5. An Authorised Officer or Delegated Officer may, in connection with a proposal to occupy or open any Road or Council Land, require a traffic management plan and or a Waste management plan be provided to the Council adequately addressing any parking or Traffic or Waste management issues.
  - iv. Where building works involves demolition the demolition contractor must: obtain an Asset Protection Permit before carrying out any demolition work;
  - v. not carry out or allow to be carried out any demolition work on that land unless an Asset Protection Permit has been obtained; and
  - vi. comply with the conditions of any Asset Protection Permit issued by the Council.

#### **48 ASSET PROTECTION PERMIT – BUILDING WORKS**

*In relation to any Building Work on any land, the Council's objectives are to secure community safety, protect public assets, enhance neighbourhood amenity and simultaneously provide support for appropriate building development and investment.*

1. The:
  - a. Owner of any land as an owner builder
  - b. builder engaged to carry out Building Work on land
  - c. appointed agent; must
    - i. obtain an Asset Protection Permit before carrying out any Building Work, or allowing the Building Work to be carried out on that land
    - ii. not carry out or allow to be carried out any Building Work on that land unless an Asset Protection Permit has been obtained
    - iii. comply with the conditions of any Asset Protection Permit issued by the Council.
2. On the payment of an application fee (or the fee due having been made subject to an approved payment system), the Council may issue an Asset Protection Permit in respect of any land where Building Work is to be carried out.
3. An Asset Protection Permit may allow a Person to enter land from a Road other than by a permanently constructed Vehicle Crossing whether or not public assets or infrastructure are likely to be damaged.
4. An Asset Protection Permit may be subject to such conditions as the Council determines, including but not limited to conditions:
  - a. requiring protection works to be done;
  - b. requiring the payment of a security bond;
  - c. requiring that any or all public assets or infrastructure damage be cleaned, repaired, replaced or re-instated within a specified time and to the satisfaction of the Council; and
  - d. requiring a temporary Vehicle Crossing to be installed to the Council's specification before commencement of any Building Work or delivery of any equipment or materials to the land.
5. The amount of any security bond required under any Asset Protection Permit must be proportionate to the likely costs of repairing any potential damage to any existing Council Land, Road (including carriageway), channel, drain, Vehicle Crossing or other public asset arising from the works the subject of the Permit. The matters to be considered by Council or an Authorised Officer or a Delegated Officer regarding payment of a security bond or

**Penalty: 20 Penalty Units**

other security are referred to in the Local Law Manual.

6. When the Council receives notice of the completion of the works the subject of the Permit, the land may be inspected by the Council and the amount of the security bond:
  - a. may be retained by the Council to the proportion necessary to offset the costs of carrying out any works to rectify any damage, provided the person who lodged the bond is first notified of the damage and declines or fails within 30 days to make good the damage at their own expense to the Council's satisfaction
  - b. must be refunded to the person who lodged it upon the Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to the Council's satisfaction, or when, after 30 days of receiving notice of completion of the works, the Council has not notified the Person who lodged the bond of any damage requiring repair.
7. The person who lodged the bond must supplement the bond by a further payment equal to the difference between the cost of carrying out any works and the amount of the bond, if the Council is satisfied that the amount of the bond is insufficient to meet such cost and it makes a demand for such payment in writing.

#### **Penalty: 20 Penalty Units**

8. Where the Council so determines, it may agree to accept an alternative form of security to a security bond.
9. A person who is not one of the persons described in Sub-clause 1 must not:
  - a. carry out Building Work on land unless, in respect of the Building Work, an Asset Protection Permit has been obtained; or
  - b. deliver to a Building Site any equipment or materials unless an Asset Protection Permit has, in respect of the Building Work being carried out on the land, been obtained.

#### **Penalty: 10 Penalty Units**

### **49 ASSET PROTECTION – BUILDING WORK – POWER OF ENTRY**

1. An Authorised Officer or Delegated Officer may at any reasonable time enter and inspect a Building Site for the purpose of ensuring compliance with any provision of, or a Permit issued under, this Local Law, subject to complying with OHS obligations and any Council policies relevant to such entry.

### **50 BUILDING WORK – FENCING, RUN-OFF, REFUSE, EMISSIONS**

1. Where any Building Work is being carried out on any land, the:
  - i. owner of the land as an owner builder; or
  - ii. builder engaged to carry out Building Work on the land; or
  - iii. appointed agent; or
  - iv. demolition contractor in the case of Building Work which involves demolition,

must ensure that:

- a. prior to the commencement of any Building Work on the land, the land is secured with permanent or temporary welded wire mesh Fencing or fencing of similar construction which is no less than 1.5 metres high

#### **Penalty: 20 Penalty Units**

2. the Building Site is developed and managed to prevent the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice, by adopting measures to:
  - a. prevent the depositing of mud, dirt, sand, soil or stones on the abutting Roads or washed into the Municipal Stormwater System
  - b. prevent building clean-up, wash-down, Green Waste or other Wastes being discharged offsite to enter the Municipal Stormwater System

#### **Penalty: 20 Penalty Units**

3. all builder's waste within the building site is contained in a covered waste Facility;

**Penalty: 15 Penalty Units**

4. all builder's materials, tools and equipment must be contained securely within the site unless a person has a permit;

**Penalty: 15 Penalty Units**

5. no builder's waste is deposited in or over any part of the Municipal Stormwater System;

**Penalty: 15 Penalty Units**

6. all builder's waste, whether or not in any Waste Facility, is removed within seven (7) days of completion of the Building Work or the issue of an occupancy permit, whichever occurs last;

**Penalty: 15 Penalty Units**

7. no soil, earth or clay is deposited onto any Road from any Vehicle used on a Building Site or a site of excavation or filling of any land;

**Penalty: 15 Penalty Units**

8. all work on a Building Site is carried out so as not to emit excessive or Offensive dust into the air or onto land proximate to the land on which the Building Work is carried out.

**Penalty: 15 Penalty Units.**

## 51 BUILDING WORK – ACCESS, STORAGE, AND HOURS OF WORK

1. In this section, the:
  - i. owner of any land as an owner builder on which Building Work is being or is to be carried out
  - ii. builder engaged to carry out Building Work on land
  - iii. appointed agent
  - iv. driver of any Vehicle involved in placing or removing a Refuse Facility on the land
  - v. demolition contractor in the case of Building Work involving demolition

whichever is applicable in respect of the Building Work, must ensure that:

- a. entry to the land takes place only across a temporary Vehicle Crossing unless otherwise permitted by the Council

### Penalty: 20 Penalty Units

- b. no materials are deposited on any part of a Road or Council Land without the approval of the Council

### Penalty: 15 Penalty Units

- c. unless otherwise stated in the Asset Protection Permit, the hours of Building Work activity on a site other than a residential building site shall be between 7.00 am and 6.00 pm on Monday to Friday, and 9.00 am and 6.00 pm on Saturdays, Sundays and public holidays, and that no Building Works occurs outside these hours.
- d. unless otherwise stated in a Permit, the hours of building work activity on a residential building site, shall be between the hours of 7.00 am and 6.00 pm Monday to Friday and 9.00 am and 1.00 pm on Saturday, Sunday and Public Holidays. Building work activity may be carried out between 1.00 pm and 8.00 pm as long as the activity does not involve the use of power tools, machinery or hammering.

### Penalty: 20 Penalty Units.

## 52 VEHICLE CROSSINGS – CONSTRUCTING

1. A Person must not, without a Permit, construct, install, remove, relocate or alter a Vehicle Crossing, whether temporarily or permanently.

### Penalty: 20 Penalty Units

2. Each owner and occupier of land must not, without a Permit:
  - a. construct or allow to be constructed, or
  - b. use or allow to be used
  - c. a second or subsequent Vehicle Crossing to service the land.

### Penalty: 20 Penalty Units

*Guidelines for determining whether and on what conditions to issue a Permit for a Vehicle Crossing are the same as those for Clause 47 Asset Protection – Occupying or Opening a Road.*

## 53 VEHICLE CROSSINGS – POWER TO DIRECT WORKS

1. Council or an Authorised Officer or Delegated Officer may direct the owner or occupier of any land adjacent to the vehicle crossing at their cost:
  - a. to construct a temporary or permanent Vehicle Crossing
  - b. to remove an unauthorised Vehicle Crossing, and reinstate any kerb, channel, Footpath or other areas to the satisfaction of the Authorised Officer.
2. Each owner or occupier of land to whom a direction has been given under this clause must comply with that direction by applying for a Permit to do the thing which is directed.

### Penalty: 20 Penalty Units

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# PART 5 – ALCOHOL AND SMOKING

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## 54 POSSESSION AND CONSUMPTION OF LIQUOR ON ROADS

1. A Person must not, without a Permit, at any time on a Road:
  - a. consume any Liquor, or
  - b. have in their possession or control any Liquor other than Liquor in a container with an unbroken seal.

### Penalty: 15 Penalty Units

*Note also Clause 56 'Sale and Consumption of Liquor on Roads adjoining Licensed Premises' authorising the issue of a Permit to Licensed Premises to extend their liquor licence onto a Footpath.*

## 55 POSSESSION & CONSUMPTION OF LIQUOR AFTER SUNSET IN MUNICIPAL PLACES OTHER THAN ROADS

1. A Person must not, without a Permit, between sunset and sunrise, in any Municipal Place other than a Road, or in any motor vehicle within any Municipal Place other than a Road:
  - a. consume any Liquor, or
  - b. have in their possession or control any Liquor other than Liquor in a container with an unbroken seal.

### Penalty: 15 Penalty Units

2. If requested by a member of Victoria Police or an Authorised Officer or Delegated Officer, a Person must not, without a Permit, between sunrise and sunset in any Municipal Place other than a Road, or in any motor vehicle within any Municipal Place other than a Road:
  - a. consume or continue to consume any Liquor; or
  - b. have in their possession or control any Liquor other than Liquor in a container with an unbroken seal

### Penalty: 15 Penalty Units

## 56 SALE AND CONSUMPTION OF LIQUOR ON ROADS ADJOINING LICENSED PREMISES

1. A Person must not, without a Permit, use a Footpath, other part of a Road, or any Council Land adjoining a Licensed Premises to sell or consume liquor.

### Penalty: 20 Penalty Units

## 57 EXEMPTIONS TO LIQUOR CONTROLS

1. Any Person acting in accordance with a licence issued for the sale and supply of Liquor under the *Liquor Control Reform Act 1998* or other Act is exempt from Clauses 54, 55 and 56.

## 58 ALCOHOL FREE AREAS

1. The Council may, by resolution, declare in part or whole, any Municipal Place, any Road, Foreshore Reserve or any Council Land within the Municipal District to be an Alcohol Free Area, whether that declaration is unconditional or limited to certain times of the day, certain days of the year, defined public holiday periods, special events or particular places.
2. The Council must erect and maintain, or cause to be erected and maintained, in those parts of the Municipal District that are declared an Alcohol Free Area, appropriate signage, which indicate the boundaries, days and times of the Alcohol Free Area.
3. A Person must not, without a Permit, consume Liquor or have in their possession or control any Liquor other than Liquor in a container with an unbroken seal in any area of the Municipal District that is declared an Alcohol Free Area by the Council.

### Penalty: 15 Penalty Units

## 59 GLASS CONTAINERS

*Whether at a special event in a park at night, or at a crowded public gathering, or where children play on a beach, broken glass can be dangerous. Council therefore may on occasions ban glass containers from some locations.*

1. The Council may by resolution, or as a condition of a permit, declare any part of a Road, Reserve, Foreshore Reserve or Municipal Place free of glass containers, and that declaration may be unconditional or limited to certain times of the day, certain days of the year, defined public holiday periods, special events or particular places.
2. Where the declaration is by resolution, the Council must erect and maintain, or cause to be erected and maintained, appropriate signage indicating the boundaries days and times of those areas that are declared free of glass containers.
3. A Person must not, without Council authorisation, bring into, provide or use any glass container in any area that is declared free of glass containers by the Council.

**Penalty: 10 Penalty Units**

## 60 SMOKE FREE AREAS IN MUNICIPAL PLACES

*This clause of the Local gives the Council opportunity in the future to declare enforceable smoke free areas within the municipality.*

1. The Council may declare a Municipal Place or part of a Municipal Place to be a Smoke Free Area as described in the Local Laws Manual.
2. The Council must erect and maintain, or cause to be erected and maintained, appropriate signage in any Municipal Place or part of a Municipal Place, which has been declared a Smoke Free Area.
3. A Person must not smoke in, or on, any Municipal Place, or part of a Municipal Place, that has been declared to be a Smoke Free Area and has appropriate Smoke Free Area signage erected and maintained.

**Penalty: 10 Penalty Units**

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# PART 6 – MUNICIPAL PLACES, RESERVES, LANDFILL SITES AND BUILDINGS

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## MUNICIPAL PLACES

### 61 COUNCIL'S POWER IN MUNICIPAL PLACES

1. Under this Local Law the Council may do any of the following in relation to any Municipal Place:
  - a. restrict access to all or part of a Municipal Place to any person
  - b. close a Municipal Place or any part of it to the public
  - c. determine the hours a Municipal Place or any part of it is open to the public
  - d. establish conditions of entry to a Municipal Place or any part of it
  - e. restrict or establish any temporary alterations, decorations or other changes to a Municipal Place or any part of it
  - f. establish conditions for the use or hire of a Municipal Place or any part of it
  - g. set and collect fees or charges for admission to or the hire of or the use of a Municipal Place or any part of it including variation in fees or charges depending upon multiple use, period of time or any other basis
  - h. set and collect fees or charges for the hire or use of any Council property in connection with a Municipal Place or any part of it; and
  - i. authorise a person to do any of these things.
2. A Person must not act contrary to any restriction, closure, condition, fee, charge, hire agreement or authorised instruction in relation to a Municipal Place unless authorised by the Council to do so.

#### Penalty 10 Penalty Units

3. A Person must not hire or use a Municipal Place or any part of it or any Council property in connection with it, without first paying any fee or charge applicable.

#### Penalty 10 Penalty Units

### 62 BEHAVIOUR IN MUNICIPAL PLACES – PROHIBITIONS

A Person must not, while in a Municipal Place, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the Municipal Place by any other Person.

#### Penalty: 15 Penalty Units

### 63 DAMAGING OR INTERFERING WITH A MUNICIPAL PLACE

1. A Person must not, unless employed, authorised or contracted by the Council for the purpose, do the following whilst in, (or) on, a Municipal Place:
  - a. destroy, damage or interfere with the Municipal Place
  - b. construct an opening or gate in a fence on the boundary of Council Land which is more than one (1) metre wide
  - c. destroy, damage, remove or interfere with anything, or allow to be destroyed, removed, damaged or interfered with anything, in, on affixed or attached to the Municipal Place
  - d. enter, climb upon or otherwise interfere with any structure, artwork, public decoration or other public display or any part thereof, contrary to any sign, public notice or published information
  - e. destroy, damage, remove, plant or interfere with any tree, garden-bed or plant in, or on, the Municipal Place, other than for the purposes of maintaining grass on a nature strip or in accordance with a permit for cultivation of a nature strip garden
  - f. do or omit to do anything which causes any natural or other material to escape or otherwise be conveyed onto a Road and thereby become a hazard
  - g. destroy, damage or interfere with any other property or assets in, or on, the Municipal Place that are owned or managed by the Council

- h. cause any damage to any Council assets in, or on, the Municipal Place as a result of a failure as an owner or occupier of any land to adequately maintain, or to rectify any faults within a reasonable time, in drainage systems, utility supply systems or any other thing for which the owner or occupier of the land is responsible for maintaining.

**Penalty: 20 Penalty Units**

- 2. An Authorised Officer or Delegated Officer may remove and impound anything that is in or on a Municipal Place in contravention of this Clause.
- 3. A Person who holds an Asset Protection Permit and is acting in accordance with its purpose, scope and conditions is exempt from this provision.

**64 INTERFERENCE WITH A WATER COURSE**

- 1. A Person must not, without a Permit, unless employed or contracted by the Council for the purpose, destroy, damage, tap into, divert or interfere with any water course, wetland, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or directly adjoining Fence which is vested in or under the management or control of the Council or is on any Council Land, a Road or Foreshore Reserve.

**Penalty: 20 Penalty Units**

**65 OBSTRUCTIONS ON COUNCIL LAND OR A ROAD**

- 1. A Person must not, without a Permit:
  - a. On any Road or Council Land, leave or allow to be left any:
    - i. Bulk Waste Container, or
    - ii. other thing which encroaches on, or obstructs the free use of, the Road or Council Land or which reduces the breadth, or confines the limits, of the Road or Council Land; or
    - iii. leave or allow to be left any charity bin, or

- b. charge an electric vehicle on council land or roadway except at a designated charging point, or
- c. connect any electrical equipment situated on any council land or a roadway from an adjacent property.

**Penalty: 20 Penalty Units**

- 2. A Person who has left or allowed to be left a Bulk Waste Container, charity bin, or other thing on a Road or Council Land with or without a Permit or other authorisation, must move or remove them if directed to do so by an Authorised Officer or Delegated Officer.

**Penalty: 20 Penalty Units**

- 3. If a Person reasonably suspected of having committed an offence under Sub-clause 1 is the driver of a Vehicle which transports a Bulk Waste Container, Charity Bin or other thing and that person cannot be found or it is impracticable to charge that person with an offence under Sub-clause 1, any Company which supplies the Bulk Waste Container or other thing which is left on and obstructs the free use of a Road or Council Land may be charged with and is capable of committing an offence under Sub-clause 1.
- 4. Anything left or allowed to be left contrary to Sub-clause 1, or in contravention of any conditions of a Permit or other authorisation, may be removed by an Authorised Officer or Delegated Officer and impounded.



## RESERVES

(Note: Clauses 61-65 Municipal Places, also apply to Reserves.)

### 66 BEHAVIOUR IN MUNICIPAL RESERVES – PROHIBITIONS

*Council parklands and reserves, including open space, flora, fauna and the built and natural environments are, for the enjoyment of the community, the enhancement of public assets and the protection of the environment.*

1. A Person must not, while in a Municipal Reserve or a Foreshore Reserve, behave in a manner that unreasonably impacts the well-being of or endangers others, or unreasonably interferes with the quiet enjoyment of the Municipal Reserve or the Foreshore Reserve by any other Person.

#### Penalty: 15 Penalty Units

2. A Person must not, while in a Municipal Reserve or a Foreshore Reserve:
  - a. unless that Person is a player, official or competitor in or at a sporting match or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering
  - b. act in any manner likely to cause damage to property or the environment
  - c. use any playground or recreational equipment except for the purpose it is provided
  - d. fish in or swim, paddle, dive or jump into or enter any water, wetland, lake, pond or fountain contrary to any sign erected in the reserve restricting such behaviour
  - e. feed any bird or native fauna
  - f. abandon any Animal or bird
  - g. destroy, damage, injure or interfere with any flora or any fauna
  - h. light a fire or permit any fire to remain alight except:
    - i. in a barbecue provided by the Council, or
    - ii. in a portable liquid petroleum gas barbecue; or
  - i. for conducting a permitted cultural or religious ceremony
  - iv. all above situations or circumstances must be supervised at all times
  - i. walk on any plot, bed, border or any other area set aside for vegetation;
  - j. throw, place or allow to be thrown or placed any liquid, stone, paper, or other substance or thing into any fountain, wetland, lake, pond or other watercourse; or
  - k. play or practise golf except in a reserve designated by the Council as a golf course.
  - l. damage or interfere with the landform, flora, fauna, ground cover, soil or waterways of any area marked by signage as protected natural environment.

#### Penalty: 15 Penalty Units

3. A person employed, contracted or authorised by Council for a specific purpose in a Municipal Reserve or a Foreshore Reserve is exempt from this Clause so far as it applies to that purpose.

## **67 USE OF MUNICIPAL RESERVES – PERMITTED USES**

*Note that the Local Law Manual sets out matters to be considered in the granting of a Permit under this Clause.*

1. A Person must not undertake any of the following activities on a Municipal Reserve or a Foreshore Reserve without first obtaining a Permit:
  - a. fly or allow to be flown any aircraft (including any powered modelled aeroplane but excluding a kite)
  - b. organise any competitive sport, game, or activity other than a sport, game, or activity played for family or social purposes
  - c. use an amplifier or public address system
  - d. launch any vessel or remote controlled watercraft from any foreshore reserve other than from a launching facility designated for such purpose
  - e. operate or otherwise use any vessel or remote controlled watercraft, unless in an area clearly designated for the purpose
  - f. construct or install a film set, or record for television or other media purposes, any event or activity, if the construction, installation or recording is for a fee or reward or commercial purposes but excluding media photography or recording for news production purposes
  - g. pitch any tent, or erect any temporary structure or shelter, whether for Camping or other purposes, but excluding a maximum of 3 temporary shade structures, with each structure not exceeding 3 metres by 3 metres, used on a daily basis for casual purpose (see also Clause 70 Camping on Council Land or a Road)
  - h. ride, drive, park or otherwise use a Vehicle or Animal other than in an area designated by the Council
  - i. operate tour guiding, personal training, other organised recreational activity or any other activity for commercial gain excluding wedding and general photography

- j. live on or Camp in a boat moored to a Council jetty, pontoon, boat ramp or pier
- k. conduct repairs to any boat or watercraft moored to a Council jetty, pontoon, boat ramp or pier
- l. leave or allow to be left any boat or watercraft moored to a jetty, pontoon, boat ramp or pier which is part of a Municipal Reserve or Foreshore Reserve, unless moored to a designated mooring point as authorised by Council.

### **Penalty: 15 Penalty Units**

2. A Person employed, contracted or authorised by Council for a specific purpose in a Municipal Reserve or a Foreshore Reserve is exempt from this Clause so far as it applies to that purpose.

## **68 ACCESS TO MUNICIPAL RESERVES**

1. The Council may, in the case of any Municipal Reserve or Foreshore Reserve, set aside days and times upon which charges or entrance fees may be made for the use of the Municipal Reserve or the Foreshore Reserve.
2. The Council may restrict access to any part of a Municipal Reserve or a Foreshore Reserve, whether for temporary works, for short-term or long-term lease use or for any other purpose and public access to such restricted areas may be, limited by condition or subject to a fee or donation.
3. A Person must not enter any Municipal Reserve or Foreshore Reserve, whether open to the public or subject to restricted access, other than via a council designated access points during the hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of Council staff or an authorised contractor in the course of their employment.

### **Penalty: 10 Penalty Units**

## 69 EVENTS

*The Council is a strong supporter of Events of all sizes, from major international events through to the many unique community events. Events provide a range of economic, tourism, social and cultural benefits to our community. However, there is a responsibility on all event organisers to ensure event activities are sustainable, successful and safe for both event attendees and the broader community. Council's Event Permit, together with the City of Greater Geelong Events Planning Guide, assists event organisers through the application processes relevant to this municipality.*

1. A Person must not, without a Permit, hold or organise any Event on any Council Land, Road or Foreshore Reserve within the Municipal District.

### Penalty: 20 Penalty Units

2. A Person must not, without a Permit, hold or organise any Event on any land other than Council Land or a Road if that Event may reasonably be expected to have a material impact on the neighbouring community or a materially increased risk to public safety or to Council assets.

### Penalty: 20 Penalty Units

3. The following exemptions apply:
  - a. An Authorised Officer or Delegated Officer decides that an Event Permit is not required or is not the most appropriate Permit that should be in place, having regard to the nature, circumstances and size of the proposed Event; an Event that is subject to a planning permit is exempt from the requirement of a Permit under Sub-clause 1 or 2; or
  - b. an Event organised by the Council that complies with the guidelines in respect of that Event.

## 70 CAMPING ON COUNCIL LAND OR A ROAD

1. A Person must not, without a Permit, Camp on any Council Land or a Road unless such Person is within a licensed caravan park or an area determined to be available for Camping purposes by the Council.

### Penalty: 15 Penalty Units

*(For camping on private land see Clause 15)*

## 71 PARKING ON MUNICIPAL RESERVES

1. A person must not, or must not allow, without a Permit, park a Vehicle on any part of any Municipal Reserve or Foreshore Reserve other than in a parking area that is set aside for that purpose by the Council or agreed to by the Council or an Authorised Officer or a Delegated Officer.

### Penalty: 5 Penalty Units

2. Sub-clause 1 does not apply to any Council employee, contractor or authorised person acting in the course of their duties.

## 72 USE OF WHEELED RECREATIONAL DEVICES, WHEELED TOYS, ELECTRIC SCOOTERS AND ELECTRIC PERSONAL TRANSPORTERS

1. The Council may designate any area to be an area in which a Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter must not be used.
2. If the Council designates an area in which a Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter must not be used, it must ensure that signage is erected and maintained in, or on, that designated area, clearly identifying the location and extent of the area in which the Wheeled Recreational Device, a Wheeled Toy, Electric Scooter and/or Electric Personal Transporter must not be used.
3. A Person must not use a Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter in an area that has been designated by the Council to be an area in which the use of such device or toy is prohibited.

### Penalty: 10 Penalty Units

4. Where the Council fails to ensure appropriate signage is erected and maintained as required under Sub-clause 2, no Person may be issued with an Infringement Notice or prosecuted for an offence under Sub-clause 3.
5. Any Person who uses a Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter, or allows or permits another Person in their care or control to use a Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter on Council Land, a Road other than the carriageway or road related area must ensure that:
  - a. the use does not obstruct, hinder, endanger, prevent the free passage of, or unreasonably alarm or inconvenience any pedestrian or other user; or
  - b. where the Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter is used on a bike path, the use is not contrary to any signage restricting speed or requiring dismounting and does not by speed or other means endanger or risk endangering persons, animals or other thing.

**Penalty: 10 Penalty Units**

*Wheeled Recreational Device, a Wheeled Toy, Electric Scooter or Electric Personal Transporter have the same meaning as in the Road Safety Road Rules 2017 and includes bicycle or other pedal-powered vehicle.*

## LANDFILL SITES

### 73 DEPOSITING OF WASTE AT MUNICIPAL LANDFILL SITES, RECYCLING AND WASTE TRANSFER FACILITIES AND RESOURCE RECOVERY CENTRES

1. The municipal landfill and any recycling and waste transfer facilities or resource recovery centre will be available for the disposal of Waste subject to the fees, charges, terms and conditions as determined by the Council from time to time.
2. A Person using a municipal landfill, recycling and waste transfer facility or resource recovery centre:
  - a. must pay the fees and charges and comply with the terms and conditions determined by the Council for use of the landfill, facility or centre;
  - b. must deposit Waste in accordance with the directions of the facility attendant or Authorised Officer or Delegated Officer and in accordance with any signs erected at the landfill, facility or centre;
  - c. may only deposit material designated by the Council from time to time; and
  - d. must not deposit any hazardous, dangerous or infectious materials.

#### Penalty: 15 Penalty Units

3. A Person must not deposit any Waste at any municipal landfill, recycling and waste transfer facilities or resource recovery centre which is not at the time of deposit open to accept such Waste or any such category of Waste.

#### Penalty: 20 Penalty Units

4. A Person employed, authorised or contracted by the Council for a specific purpose is exempt from sub-clauses 1, 2 and 3 of this provision to the extent of that purpose.

### 74 SCAVENGING AT MUNICIPAL LANDFILL SITES, RECYCLING AND WASTE TRANSFER FACILITIES AND RESOURCE RECOVERY CENTRE

1. A Person must not, without a Permit, or consent from an Authorised Officer or Delegated Officer, remove material of any kind that has been deposited at any municipal landfill site, recycling and waste transfer facility or resource recovery centre.

#### Penalty: 10 Penalty Units

## COUNCIL BUILDINGS

### 75 BEHAVIOUR IN MUNICIPAL BUILDINGS

*The Council's Municipal Buildings exist for the provision of services to the public, as places of work for employees and contractors of the Council, as meeting places for elected Councillors and the community, and for the enjoyment, comfort and amenity of the community generally. Entry to Municipal Buildings may require compliance with specific terms and conditions displayed in or on a Municipal Building, as well as the matters set out in this clause.*

1. A Person must not, while attending a Municipal Building, behave in a manner that endangers others or interferes with the use or enjoyment of the Municipal Building or the personal comfort of another person in the Municipal Building.

#### Penalty: 15 Penalty Units

2. Without limiting sub-clause 1, a Person must not, while in a Municipal Building:
  - a. use indecent, insulting, offensive or abusive language;
  - b. behave in an indecent, offensive, insulting or riotous manner; or
  - c. behave in any manner that is contrary to the Council's obligations under the Occupational Health and Safety Act 2004 to ensure that employees, workers, and other persons using Council facilities are not exposed to risks to their health or safety.

#### Penalty: 15 Penalty Units;

3. Unless authorised by the Council or an Authorised Officer, Delegated Officer or member of Council staff, a Person must not in a Municipal Building:
  - a. destroy, damage, interfere with or deface the Municipal Building
  - b. destroy, damage, interfere with or deface anything located at, on or in the Municipal Building

- c. remove any object which is owned by the Council from the Municipal Building
- d. act in a manner contrary to any restriction, direction or prohibition set out on a sign at, on or in the Municipal Building, including any terms and conditions for entry to the Municipal Building
- e. deposit any waste, except in receptacle provided for that purpose
- f. sell any goods or services
- g. erect, affix, place or leave any advertisement
- h. erect, operate or cause to be erected or operated any amusement
- i. obstruct, hinder or interfere with any member of staff of Council or authorised Council contractor in the performance of their duties
- j. act contrary to any lawful direction of an Authorised Officer or Delegated Officer or member of Council staff, including, without limitation, a direction to leave the Municipal Building, whether or not a fee for admission has been paid
- k. use or interfere with any life-saving or emergency device, unless using the device in an emergency, or participating in an instruction approved by the Council or an Authorised Officer or Delegated Officer or member of Council staff
- l. organise any function or Event
- m. bring any Animal into, or allow any Animal under their control to remain in, a Municipal Building, except for a guide dog being used by a visually impaired person, or a registered assistance dog
- n. bring any Vehicle or toy vehicle into a Municipal Building, except for:
  - i. a pram or pusher being used by a child; or
  - ii. a wheelchair or motor scooter being used by a physically disabled person; or

- o. bring into a Municipal Building any substance, liquid or powder which may:
  - i. be dangerous or injurious to health
  - ii. have the potential to foul, pollute or soil any part of the Municipal Building, or
  - iii. cause discomfort to any person.

**Penalty: 15 Penalty Units.**

- 4. A Person who fails to comply with the requirements set out in this clause may be asked to leave the Municipal Building.
- 5. A Person who fails to comply with a request to leave the Municipal Building may be issued with a temporary suspension notice by an Authorised Officer a Delegated Officer or a member of Council staff. A temporary suspension notice expires at the time set out in it, or if no time is set out in it, 24 hours after it is issued, unless withdrawn earlier.
- 6. Any Authorised Officer, Delegated Officer or member of Council staff issuing a temporary suspension notice must have regard to the matters set out in the Local Law Manual.

**76 ENTRY TO MUNICIPAL BUILDINGS**

- 1. A Person must not, unless directed to do so by the Council or an Authorised Officer or Delegated Officer:
  - a. enter a Municipal Building other than through an entrance provided for that purpose

**Penalty: 10 Penalty Units**

- b. enter or remain in a Municipal Building during hours when the Municipal Building is not open to the public

**Penalty: 10 Penalty Units**

- c. enter or remain in a Municipal Building without having paid any admission fee or charge imposed by the Council

**Penalty: 10 Penalty Units**

- d. remain in a Municipal Building after being directed to leave by an Authorised Officer or Delegated Officer

**Penalty: 10 Penalty Units**

- e. re-enter a Municipal Building after having been directed to leave that Municipal Building by an Authorised Officer or Delegated Officer, any sooner than the beginning of the next working day when the Municipal Building is open to the public, unless a written permission to re-enter is granted by Council or an Authorised Officer or Delegated Officer

**Penalty: 15 Penalty Units**

- f. re-enter a Municipal Building after having been directed to leave that Municipal Building and issued with a temporary suspension letter, until the temporary suspension letter is withdrawn or expires.

**Penalty: 20 Penalty Units**

- 2. Whether or not a temporary suspension letter is issued or has been withdrawn or expired does not alter Council's power to issue a Notification of Prohibition from Entry.

## **77 NOTICE OF PROHIBITION FROM ENTRY TO MUNICIPAL BUILDINGS**

1. A Person reasonably believed by an Authorised Officer or Delegated Officer to represent an ongoing serious threat to the safety or well-being of other lawful users, visitors, Council staff or property in any Municipal Building or service location may be issued with a Notice of Prohibition from Entry.
2. A Person must not enter any specified Municipal Building or service location for the period of time specified in a Notice of Prohibition From Entry.

**Penalty First Offence: 15 Penalty Units**

**Penalty Second and Subsequent Offences: 20 Penalty Units**

3. Where a Person, after the expiry of a previous Notice of Prohibition from Entry
  - a. repeats behaviour upon which they were prohibited in the first instance; or
  - b. is responsible for behaviour that contravenes the behaviour set out in Clause 75,an Authorised Officer or a Delegated Officer may issue that Person with a further Notice of Prohibition from Entry.
4. Any Authorised Officer or Delegated Officer issuing a Notice of Prohibition from Entry must have regard to the matters set out in the Local Law Manual.

## **78 AVAILABILITY AND HIRE**

1. A Person must not organise or undertake any public meeting, performance, wedding or commercial purpose within a Municipal Building or Reserve without the consent of the Council.

**Penalty: 15 Penalty Units**

2. During any period for which a Municipal Building or any part of it has been hired out, the Manager may refuse admission to the Municipal Building or any part of it to any Person who is not connected with the hiring purpose.
3. The Council or an Authorised Officer or Delegated Officer may amend or cancel any consent if it is found:
  - a. to contain a material misstatement or concealment of facts in relation to the application for the consent; or
  - b. any material change of circumstances occurs after the issue of the consent; or
  - c. a failure to comply with the conditions under which the consent was issued.



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# PART 7 – ADMINISTRATION, PERMITS, APPEALS, FEES AND PENALTIES

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## ADMINISTRATION

### 79 EXERCISE OF DISCRETIONS

1. In exercising any discretion contained in this Local Law, the Council or an Authorised Officer or a Delegated Officer must have regard to:
  - a. The Charter of Human Rights
  - b. Child Safe Standards Code of Conduct
  - c. the objectives of this Local Law
  - d. the Local Law Manual
  - e. any relevant Government or Council Policies or standards, including policies relating to how employees of the Council are expected to conduct themselves
  - f. any relevant Permit Conditions
  - g. any other policies adopted by the Council from time to time, provided that such policies are not inconsistent with this Local Law
2. The Council may, from time to time, prepare policies for use by the Council, Council staff and other persons for the purposes of this Local Law.

### 80 POWER TO OBTAIN NECESSARY AND ADDITIONAL INFORMATION

1. The Council or an Authorised Officer or Delegated Officer may require any Applicant for a Permit or consent to provide additional information before dealing with an application for a Permit or consent or an exemption for the purposes of administering and enforcing the provisions of this Local Law.
2. A Person who makes any false representation or declaration (whether oral or in writing) in, or who omits any relevant information from, an application for a Permit or consent or exemption is guilty of an offence.

**Penalty: 20 Penalty Units**

### 81 POWER TO DIRECT – NOTICE TO COMPLY

1. An Authorised Officer or Delegated Officer may, by serving a Notice to Comply, direct any owner, occupier or other relevant Person to remedy any situation that constitutes a breach of this Local Law.
2. A Person who fails to remedy a situation within the time specified in accordance with a Notice to Comply served on that Person is guilty of an offence in addition to the breach of the Local Law that gave rise to the Notice to Comply.
3. A Notice to Comply can be served on a person by handing it to them personally, or by sending it by post to the person's last known address.
4. A Person who complies with a Notice to Comply is taken to have remedied the breach of this Local Law that gave rise to the Notice to Comply.

**Penalty: 20 Penalty Units**

### 82 POWER TO DIRECT – IN PERSON

1. An Authorised Officer or Delegated Officer who finds any Person contravening or failing to comply with any provision of this Local Law may give that Person a verbal direction to cease the contravention or failure to comply.
2. A Person to whom a direction is given under Sub-clause 1 must comply with that direction.

**Penalty: 10 Penalty Units**

### 83 POWER TO ACT – URGENT CIRCUMSTANCES

1. In urgent circumstances arising as a result of any failure to comply with this Local Law, an Authorised Officer or a Delegated Officer may:
  - a. take action to remove, remedy or rectify the failure without the necessity to serve a Notice to Comply or an in person direction, or
  - b. take any other action necessary to abate an immediate danger or threat

provided the Authorised Officer or the Delegated Officer has regard to the Local Law Manual.

## **84 POWER TO IMPOUND – IMPOUNDING THINGS**

1. If an Authorised Officer or Delegated Officer detects an Animal, item or other thing in breach of, or being used contrary to, the provisions of this Local Law and, or presents a potential hazard or risk to any Person or property, the Authorised Officer or Delegated Officer may impound that Animal, item or other thing.
2. If an Authorised Officer or Delegated Officer has impounded an Animal, item or other thing in accordance with this Local Law:
  - a. the Council or an Authorised Officer or Delegated Officer must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing, and
  - b. the Council may refuse to release it until the Appropriate Fee or charge for its release has been paid to the Council.

## **85 DELEGATION**

In accordance with section 78 of the 2020 Act, the Council:

1. delegates to the Chief Executive Officer all of its powers under this Local Law, and
2. authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council Staff.

## PERMITS

### 86 PERMITS

1. The Council may define the form of any Permit application, the manner in which a Permit application will be processed and the terms and conditions under which a Permit may be issued.
2. When receiving and processing applications for a Permit and when imposing conditions, making corrections or considering cancellation of a Permit, the Council or an Authorised Officer or Delegated Officer must have regard to the provisions relating to Permits in the Local Law Manual.
3. A Permit expires on the date specified in the Permit or if no such date is specified the Permit will expire one (1) year after the date of issue.
4. The Council or an Authorised Officer or Delegated Officer may correct a Permit after issuing it, if the Permit contains a clerical error, an error from accident, slip or omission, an evident material miscalculation, or material mistake in the description of any person, thing, date or property referred to in the Permit.
5. The Council or an Authorised Officer or Delegated Officer may amend or cancel any Permit in the following circumstances:
  - a. There was a material misstatement or concealment of facts in relation to the application for the Permit
  - b. any material change of circumstances occurs after the issue of the Permit
  - c. A Person fails or refuses to comply with the conditions under which the Permit was issued, or
  - d. A Person fails or refuses to comply with a Notice to Comply relating to the Permit.
6. The Council or an Authorised Officer or Delegated Officer must notify the Permit Holder of the intention to amend or cancel a Permit and give the Permit Holder an opportunity to make a written submission before the Permit is amended or cancelled.
7. If the Council or an Authorised Officer or Delegated Officer, after considering any written submission made by the Permit Holder, determines to cancel or amend the Permit, the amendment or cancellation must be placed in the register of Permits.
8. Where a Permit is cancelled because of a breach of any condition the Council may refuse any refund of any portion of the fees and charges associated with the application or the issuing of the Permit.
9. The Council and any Authorised Officer or Delegated Officer are not liable under this Local Law for any loss or damage suffered by any Permit Holder or any associated person as a result of or following upon the cancellation or refusal to issue any Permit, whether following the breach of any condition, or any other lawful reason for cancellation or a refusal to issue.
10. A Permit issued by the Council does not confer any permanent property rights stated or inferred upon any Permit Holder in relation to any Council asset.
11. A Person to whom a Permit has been issued has no automatic right to have a new Permit issued once the original Permit has expired or been cancelled.
12. A Permit for an Outdoor Eating Facility is issued subject to the requirement to remove or alter the Outdoor Eating Facility for the purpose of public safety as set out under clause 44.

## **87 REGISTER OF PERMITS**

1. A register of any Permits issued by the Council for the purposes of this Local Law must be maintained by the Council.
2. Any cancellations or corrections of Permits which have been issued under this Local Law are also to be recorded in the register.

## **88 EXEMPTION FROM PERMIT OR PERMIT FEE**

1. A Person is exempt from the requirement for a Permit or payment of a fee if the Person is expressly required to obtain a permit or other authority, or pay a fee, under any Act or regulation made under an Act for the same matter for which the Person would otherwise have to obtain a Permit or pay a fee under this Local Law.
2. The Council, an Authorised Officer or a Delegated Officer, may, by written notice exempt any Person or class of Person from the need to obtain a Permit and such exemption may be conditional, may be altered and may be cancelled.
3. The Council, an Authorised Officer or a Delegated Officer may, by written notice exempt any Person or class of Person from the need to pay any Permit fee.
4. An exemption from the requirement to pay a Permit fee may be cancelled or corrected in the same way as a Permit.
5. A Service Authority or a Person employed by, or acting on behalf of, a Service Authority that is not exempt under any other Act or regulation is required to obtain the relevant permit. The exemption from the Local Law permit only applies in so far as the exemption is applicable under the relevant Act or regulation.

## APPEALS

### 89 APPEALS – MATTERS OTHER THAN INFRINGEMENT NOTICES

1. Any Person who is aggrieved by a decision, exercise of power (or failure to exercise a power) made under this Local Law may make a written representation or appeal for consideration by the Council within fourteen (14) days of the date of the matter concerned, in accordance with the process that is set out in the Council's public website.
2. The making of any written representation or appeal will not in any way remove that Person's obligation to act in accordance with any obligations, directions or notices which are applicable under this Local Law.
3. This clause does not apply to a decision to issue an Infringement Notice on a person (see Clause 90).
4. Sub-clause 1 does not confer a right for a Person to make a submission under section 223 of the 1989 Act.
5. Any written representation or appeal under this clause will be determined by an Internal Review Officer who is independent from the Authorised Officer, Delegated Officer or member of Council staff who made the decision, exercised the power, or refused to exercise the power under this Local Law.

### 90 APPEALS – LOCAL LAW INFRINGEMENT NOTICES

1. An Authorised Officer or a Delegated Officer may serve an Infringement Notice on a Person who has committed an offence under this Local Law, requiring the Person to pay the penalty for that offence, or deal with it in another way, in accordance with the *Infringements Act 2006*
2. The penalty fixed for the Infringement Notice is the applicable penalty stated in the Schedule to this Local Law, or if no applicable penalty is stated in the Schedule to this Local Law, the penalty shall be 20 per cent of the maximum penalty applicable under this Local Law.
3. If a Person issued with an Infringement Notice submits a written appeal in accordance with the *Infringements Act 2006*, the appeal must be brought to the attention of an Internal Review Officer.
4. The administration of any Local Law infringement or appeal will be conducted in accordance with the *Infringements Act 2006*.

## **FEES AND PENALTIES**

*The Council's fees and charges are determined annually by the Council in its budgeting process and are available from the Council's website or by enquiry direct to the Council.*

### **91 SETTING FEES AND CHARGES**

1. The Council may, from time to time, by resolution determine the fees and charges to apply under this Local Law and may include an administration or processing fee or charge. The Council must give public notice of its resolution to set or alter fees and charges.
2. Where a Permit is issued part way through the financial year and is to operate for the balance of that financial year, the Council may vary the normal annual fee or charge by applying a fee or charge which is proportionate to the period for which the Permit will apply corrected to the next higher quarter of that year.

### **92 DIFFERENTIAL OR STRUCTURED FEES AND CHARGES**

In determining any fees and charges, the Council may establish a system or structure of fees and charges, including minimum or maximum or pro-rata fees or charges, if it considers it is appropriate to do so.

### **93 WAIVER OR ALTERATION TO FEES AND CHARGES**

The Council may waive, reduce or alter any fee or charge with or without conditions upon receipt of a written submission from the applicant stating reasons why any such fee or charge should be reconsidered.

## **94 OFFENCES**

1. In this Local Law, where a motor vehicle, trailer or boat is in any way involved in the commission of an offence against this Local Law and where the identity of the person driving, or in charge of the motor vehicle, trailer or boat, is not established at the time the offence is committed, then the registered owner/operator of the motor vehicle, trailer or boat, is deemed to have committed the offence unless the owner/operator either:
  - a. provides information sufficient to identify and locate the person driving or in charge of the motor vehicle, trailer or boat at the time of the offence, or
  - b. explains why they cannot with reasonable diligence ascertain the identity of the person who was driving or in charge of the motor vehicle, trailer or boat at the time of the offence.
2. Where any provision in this Local Law prohibits any act or thing, any Person who contravenes such provision is guilty of an offence.
3. Where any provision in this Local Law prohibits any act or thing between specified hours of the day or night, or during specified months of the year, or on certain days, or in, or at, specified locations or specified parts of those locations, any Person who contravenes such provision is guilty of an offence.
4. Where any provision in this Local Law requires any act or thing to be done, any Person who is required to do the act or thing but does not do it contravenes such provision and is guilty of an offence.
5. Any Person who is guilty of an offence against this Local Law is liable to the penalty indicated in respect of that offence, or if no such penalty is indicated, a penalty of:
  - a. 10 Penalty Units for a first offence
  - b. 15 Penalty Units for any second or subsequent offence

6. Where any Permit, or exemption from a Permit, issued under this Local Law contains any conditions, any Person who contravenes or fails to comply with such a condition is guilty of an offence.

**Penalty: 20 Penalty Units**

## **95 PENALTIES**

Schedule 1 to this Local Law sets out penalties for Infringement Notice purposes, which may be issued as an alternative to prosecution in respect of non-compliance with this Local Law, where the Council or an Authorised Officer or a Delegated Officer determines to proceed by way of Infringement Notice.

# SCHEDULE 1 – INFRINGEMENT NOTICE PENALTIES

## TABLE OF MAXIMUM PENALTIES AND INFRINGEMENT NOTICE PENALTIES IN RESPECT TO OFFENCES AGAINST THE LOCAL LAW

Why are Infringement Penalties different from Maximum Penalties?

**Infringement Notice penalties** are used to simplify the process of enforcing less serious breaches of the law. Infringement Notices avoid the complex process of Court prosecution. When Infringement Notices are paid on time, no conviction is recorded by a Court. The amount of an Infringement penalty is normally significantly less than the potential maximum penalty which a Court might impose for the same offence.

\* 'An infringement penalty should generally be approximately no more than 20 – 25% of the maximum

penalty for the offence': Annexure A , Attorney-General's Guidelines to the Infringements Act 2006 (Vic).

**Maximum penalties** may be imposed by a Court when:

- Council chooses to prosecute an offence, rather than issue an Infringement Notice
- a person receiving an Infringement Notice chooses to have the matter heard in Court

A '**Penalty Unit**' means a Penalty Unit under the Sentencing Act 1991.

If any offence under the Local Law is not set out in the table below, the infringement penalty for that offence will be 20% of the maximum penalty.

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
10	Land kept in unsightly manner	15	3
11(a)	Land kept in dangerous manner – haven for vermin/weeds	20	5
11(b)	Land kept in dangerous manner – storage dangerous substance	20	5
12(1)	Dilapidated Building – permitting	20	5
12(2)	Dilapidated Building – failure to secure	20	5
12(3)	Dilapidated Building – failure to take reasonable steps to remedy unauthorised access and anti-social behaviour	20	5
12(4)	Dilapidated Building – failure to remove Graffiti	20	5
12(5)	Dilapidated Building – failure to take reasonable steps to remove vermin	20	5
13(1)(a)	Burning offensive materials	15	3
13(1)(b)	Burning materials that may cause offensive emissions entering neighbouring land	15	3
13(2)	Burning in open or in an incinerator without Permit	15	3
13(3)	Failure to extinguish a fire when directed	20	5
14	Fireworks lit without a Permit	20	5
15	Camping without Permit on Land other than Council Land or a Road contrary to requirements	15	3



Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
16(1)	Keeping a Shipping Containers on Council Land or a Road, without a permit	15	3
16(2)	Allowing a Shipping Container to adversely impact visual amenity on Land Other than Council Land or a Road,	15	3
17	Installing or operating a non-compliant intruder alarm	15	3
18	Failing to number an address adequately	10	2
19	Allowing vegetation or other things to obstruct, interfere, endanger or overhang, or obscure	15	3
20	Keeping Animals contrary to Local Law	10	2
21(1)	Failure to provide adequate Animal Accommodation	10	2
21(2)	Failure to maintain animal accommodation	10	2
22	Allowing noise smell or discharge from animals to interfere with adjacent or nearby occupiers of land	10	2
23(1)	Animal excrement remaining on Council land or a Road	10	2
23(2)	Failure to carry a suitable animal litter device	10	2
24(1)	Inadequate Fencing for Animal kept - 1 <sup>st</sup> Offence	10	2
24(1)	Inadequate Fencing for Animal kept - 2 <sup>nd</sup> + Offence	15	3
25	Keeping an offending aggressive dog without a Permit - 1 <sup>st</sup> Offence	10	2
26(1)	Failing to comply with Council Waste Collection requirements	10	2
26(3)	Placing Contaminated Material in recyclable collection bin after written warning. - 1 <sup>st</sup> Offence	5	1
26(3)	Placing Contaminated Material in recyclable collection bin after written warning. - 2 <sup>nd</sup> Offence	10	2
26(3)	Placing Contaminated Material in recyclable collection bin after written warning. – 3 <sup>rd</sup> and Subsequent Offences	20	5
27	Failure to comply with Hard Waste Collection as specified	10	2
28	Interference with Waste materials left for collection	10	2
29(1)	Use of Motor Bike or Motorised Recreational Vehicle on Council Land excluding a Road without a Permit	15	3
29(2)(a)	Use of Motor Bike or Motorised Recreational Vehicle on Land Other than Council Land or a Road in Built Up Area without a Permit	15	3
29(2)(b)	Use a Motor Bike or Motorised Recreational Vehicle on Land Other than Council Land or a Road outside Built Up Area outside restrictions specified	15	3

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
29(2)(c)	As the owner or occupier of any land allow the use of Motor Bike Or Motorised Recreational Vehicle in contravention to clauses 29 (2)(a) or (b)	15	3
30(1) & (2)	Vehicle used or driven with Sound System emitting offensive noise	10	2
30(3)	Emitting interfering offensive noise from Road or Municipal Place to interfere properties abutting	10	2
31	Repairing or Displaying for sale a Vehicle on a Road	15	3
32	Leaving a derelict vehicle on a Road or Council Land	15	3
33	Storing a heavy or long vehicle contrary to Local Law	10	2
34	Placing waste bins or Waste on a Road or Council Land contrary to Law	15	3
35	Public waste bins used contrary to requirements	10	2
36(1)	Leaving Shopping Trolley in non-designated area	10	2
36(2) & (3)	Owner failing to place identification on Shopping trolley or pick-up Shopping trolley and return it to designated area	10	2
37(1)(a)	Holding a Street Procession or festival without Permit	15	3
37(2)(b)	Using public address system on Road without a Permit	15	3
38(1)	Livestock movements on Road contrary to Guidelines	10	2
38(2)	Grazing or Droving Livestock without or contrary to Permit	20	5
39(1)	Displaying goods for sale on a Road without Permit	20	5
39(2)	Failing to remove goods for sale or Advertising Sign from a Road or Council Land when directed	20	5
40(1) & (2)	Roadside trading without Permit	20	5
40(4)	Erect or place a structure for the purposes of selling on a road or Council Land without a permit	15	3
41(1)	Spruiking without a Permit	10	2
41(2)	Busking without a Permit	10	2
41(3)	Drawing or Painting on a Road or Council Land without a Permit	10	2
42(1)	Advertising Sign on Council Land or a Road without Permit	20	5
42(2)	Advertising Sign on a Vehicle on Council Land or a Road without Permit	20	5
42(3)	Failure to remove Advertising Sign when directed	20	5
43(1)	Using Council Land or a Road for Commercial Outdoor Eating Facility without Permit	20	5
44	Failing to Remove the Outdoor Eating Facility	20	5

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
45(1)	Collecting money or subscriptions house to house	15	3
45(2)	Collecting money or subscriptions on a Road or Council Land without Permit	10	2
46(1)	Asset Protection – Drainage Tapping without Permit	20	5
46(2)	Depositing Waste other than stormwater in Council drain	20	5
47(1)	Asset Protection – Occupying or Opening a Road or Council Land without a Permit	20	5
48(1)	Asset Protection – Building Works commencing without a Permit, or undertaking contrary to requirements or Permit.	20	5
48(7)	Asset Protection – Building Works - Failure to make supplementary bond payment to rectify damage	20	5
48(9)	Failure of other person to refrain from commencing work or deliveries before an Asset Protection Permit is issued.	10	2
50(1)(a)	Failure to securely Fence a Building Work	20	5
50(2)	Failure to minimise risk or run-off into Municipal Stormwater System	20	5
50(3) to (8)	Failure to comply with refuse requirements for Building Work and Building Sites	15	3
51(1)(a)	Failure to comply with vehicular crossing access requirements for a Building Work	20	5
51(1)(b)	Failure to comply with no storage of materials on a Road or Council Land for a Building Work	15	3
51(1)© & (d)	Failure to comply or hours of work requirements for a Building Work	20	5
52(1)	Constructing or altering or removing a Vehicle Crossing without a Permit	20	5
52(2)	Constructing or using a second Vehicle Crossing without a Permit	20	5
53(2)	Failure to apply for Vehicle Crossing permit when directed	20	5
54	Consumption and possession of Liquor on Roads	15	3
55(1)	Consumption and possession of Liquor in Municipal Place other than a Road between sunset and sunrise	15	3
55(2)	Consumption and possession of Liquor in Municipal Place other than a Road between sunrise and sunset contrary to authorised request	15	3
56(1)	Sale and consumption of liquor on roads or council land adjoining licences premises without a permit	20	5

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
58(3)	Consumption and possession of Liquor in Alcohol Free Area	15	3
59(3)	Bringing into, providing or using a glass container in an area declared free of glass containers by Council	10	2
60	Smoking in Municipal Places contrary to signs	10	2
61(2) & (3)	Contrary Behaviour in a Municipal Place	10	2
62	Endangering or interfering with others in a Municipal Place	15	3
63(1)	Damaging/defacing/interfering with a Municipal Place	20	5
64	Interference with watercourse	20	5
65(1)	Obstructions on Council Land or a Road	20	5
65(2)	Failure to remove an obstruction on Council Land or a Road when directed	20	5
66	Contrary behaviour in a Municipal Reserve or Foreshore Reserve	15	3
67	Use of a Municipal Reserve or Foreshore Reserve for permitted use without a Permit	15	3
68	Accessing a Municipal Reserve or Foreshore Reserve contrary to requirements	10	2
69(1)	Holding an Event on Council Land, a Road or Foreshore Reserve without a Permit	20	5
69(2)	Holding an Event on Land Other than Council Land or a Road where there is a material impact of community or public safety without a Permit	20	5
70	Camping on Council Land or a Road without a Permit and not in a designated camping area.	15	3
71	Parking on a Municipal Reserve without a Permit	5	1
72	Contrary use of Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy	10	2
73(2)	Use of Landfill Site, Waste Transfer Facility or Resource Recovery Centre contrary to requirements	15	3
73(3)	Depositing at Landfill Site, Waste Transfer Facility or Resource Recovery Centre outside open hours	20	5
74	Removing material from a Landfill Site, Waste Transfer Facility or Resource Recovery Centre without a Permit	10	2
75	Contrary behaving in a Municipal Building	15	3
76(a) to (d)	Entering or remaining in a Municipal Building contrary to requirements or direction	10	2
76(e)	Re-entering a Municipal Building after a direction to leave	15	3

Clause	Offence	Maximum Penalty Units	Infringement Notice Penalty Units
76(f)	Re-entering a Municipal Building after a direction to leave and receiving a temporary suspension letter	20	4
77(2)	Entering a Municipal Building or service location while under a Notification of Prohibition from Entry – 1st Offence	15	3
77(2)	Entering a Municipal Building or service location while under a Notification of Prohibition from Entry – 2 <sup>nd</sup> and Subsequent Offences	20	5
78	Use of a Municipal Building without consent	15	3
80	False or misleading information on a Permit application	20	5
81	Failure to comply with Notice to Comply in specified time	20	5
82	Failure to comply with lawful direction when contravening Local Law	10	2
94(5)	Offence where no penalty is given – 1 <sup>st</sup> Offence	10	2
94(5)	Offence where no penalty is given – 2 <sup>nd</sup> and Subsequent Offences	15	3
94(6)	Failure to comply with a condition of a Permit or exemption	20	5

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**CUSTOMER SERVICE CENTRE**

Wurriki Nyal

137-149 Mercer Street, Geelong

8.00am – 5.00pm

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