

COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024



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

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CITY OF MONASH
COMMUNITY SAFETY AND AMENITY LOCAL LAW 2024

PART 1
PRELIMINARY

1 Title

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

2 What are the objectives of this Local Law?

- 2.1 The objectives of this Local Law are to:

- 2.1.1 provide for the peace, order and good governance of the municipal district;
- 2.1.2 promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community; and
- 2.1.3 prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district,

and to achieve these objectives by:

- 2.1.4 regulating and controlling activities of people within the municipal district which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the municipal district; and
- 2.1.5 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the municipal district.

3 What authorises this Local Law?

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

4 When does this Local Law commence?

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

5 When does this Local Law end?

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

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

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

7 What does this Local Law replace?

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

8 Definitions

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

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

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

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

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

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

"allotment" means any land in separate ownership or occupation.

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

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

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

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

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

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

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

"authorised token" means any object the same size as an Australian currency one (1) dollar (\$1) or two (2) dollar (\$2) coin approved by a retailer to release a trolley from a coin mechanism, other than an Australian currency one (1) dollar (\$1) or two (2) dollar (\$2) coin.

"builder" means a person who:

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

"builder's refuse" includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality, includes any glass, metal, plastic paper,

fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with building work.

"building site" means the parcel of land on which or part of which building work is being carried out.

"building work" means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building, and includes any changes to the natural or existing topography of land including excavation, landscaping, concreting, trenching, digging, filling, subdivision and road construction, whether by mechanical or manual methods, and the loading and unloading of any goods or materials for or in connection with any building work, but excludes minor building work.

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

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

"caravan" includes a mobile home and moveable dwelling.

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

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

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

"Council" means Monash City Council.

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

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

"domestic waste" means all waste or rubbish produced or accumulated in or on any land but excludes:

- (a) hot or burning materials;
- (b) nightsoil, sewerage, and animal excreta unless it is wrapped in a manner which prevents its escape;
- (c) slops or liquid wastes;
- (d) waste generated from building work;
- (e) waste generated from the restoration, repair or servicing of motor vehicles;
- (f) waste from a vacuum cleaner, hair, moist refuse or similar waste, unless it is wrapped or contained in a manner which prevents its escape;

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

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

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

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

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

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

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

- (a) enclosed in any building;
- (b) a barbeque; or
- (c) licensed under the provisions of the *Environment Protection Act 2017*.

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

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

"municipal district" means the municipal district of Council.

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

"Notice to Comply" means a notice served under clause 78.

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

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

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

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

"public library" means a library operated by Council.

"public library manager" means a member of Council staff who manages a public library.

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

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

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

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

"receptacle" means any approved garbage receptacle, approved green waste receptacle and recycling receptacle.

"recreational vehicle" means any mini-bike, trail-bike, motor bike, motor scooter, go-kart or other vehicle propelled by a motor which is ordinarily used for recreational purposes but excludes a motorised wheelchair and motorised bicycle with a maximum capacity of 22 watt aggregate power.

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

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

"refuse facility" means a container capable of retaining all builder's refuse within a building site and preventing removal of the builder's refuse by unauthorised persons or by wind or rain.

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

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

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

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

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

"road" has the meaning ascribed to it by section 3 of the *Local Government Act 1989*.

"sell" includes:

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

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

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

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

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

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

"trade waste hopper" means a purpose-built container for the deposit of trade waste that is ordinarily emptied by mechanical means.

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

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

9 Notes in this Local Law

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

PART 2 USE OF COUNCIL LAND

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

10 What Council may do

10.1 Council may:

- 10.1.1 restrict access to Council land or part of it;
- 10.1.2 authorise any person to occupy Council land;
- 10.1.3 close any Council land or part of it to the public;
- 10.1.4 establish conditions of entry to Council land;
- 10.1.5 set or authorise another person to set fees or charges for admission to or the hire or use of Council land or part of it;
- 10.1.6 set or authorise another person to set fees or charges for the hire or use of any Council property in connection with Council land; and
- 10.1.7 authorise a person to do any one or more of the things described in this clause 10.1.

10.2 Council, an authorised officer or any other person authorised by Council may from time to time establish:

- 10.2.1 conditions applying to and fees or charges for admission to or the hire or use of Council land or part of Council land; and
- 10.2.2 conditions applying to and fees or charges for the hire or use of any property of Council in connection with Council land.

10.3 In exercising the powers conferred by clause 10.2, Council, an authorised officer or any other person authorised by Council may determine conditions applying to and fees and charges for admission to or the use of Council land:

- 10.3.1 on multiple occasions;
- 10.3.2 over a period of time; or
- 10.3.3 on any other basis that it considers, or they consider, appropriate.

11 What a person cannot do

11.1 A person must not, without the consent of Council or an authorised officer:

- 11.1.1 act contrary to any conditions of entry applicable to Council land;
- 11.1.2 enter Council land without paying any fee or charge applicable to that Council land or the hire or use of the Council land;

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

Penalty: 10 Penalty Units

12 Behaviour on Council land

12.1 A person must not:

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

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

Penalty: 10 Penalty Units

13 Access to Municipal Places

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

Penalty: 10 Penalty Units

14 Activities Prohibited in Reserves

- 14.1 In a reserve, a person must not:
 - 14.1.1 unless that person is a player, official or competitor in or at a sporting match, training session or gathering, enter upon or remain on an area set aside as a playing ground during the course of a sporting match or gathering;
 - 14.1.2 climb or jump on any wall, fence, gate, seat or other structure;
 - 14.1.3 intentionally roll or throw any stone or missile so as to endanger any person or cause any damage;
 - 14.1.4 spit on or otherwise foul any path or structure;

- 14.1.5 use any children's playground equipment other than for the purpose for which it is provided;
- 14.1.6 swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;
- 14.1.7 throw, place or allow to be thrown or placed any liquid, stone, stick, paper, dirt or other object, substance or thing into any wetland, lake, pond or fountain;
- 14.1.8 play, engage in or practise any game or sport, whether or not in accordance with a permit issued under this Local Law, in a manner that is:
 - (a) dangerous to any other person in the reserve; or
 - (b) likely to interfere with the reasonable use or enjoyment of the reserve by any other person; or
- 14.1.9 play or practise golf other than in a reserve designated or set aside as a golf course.

Penalty: 10 Penalty Units

15 Activities which may be permitted in Reserves

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

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

Penalty: 10 Penalty Units

16 Public Libraries

16.1 Council or a public library manager may:

16.1.1 establish conditions of membership for any public library; and

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

16.2 A person:

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

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

16.2.3 must:

- (a) open for inspection at the request of a public library manager or any other member of Council staff present in the public library any bag, briefcase, container or similar item in their possession;
- (b) not leave any pamphlet, poster or handbill in any public library without the consent of a public library manager or other member of Council staff present in the public library;
- (c) relinquish any item ordinarily held in the public library at the request of any public library manager or other member of Council staff present in the public library; and
- (d) not leave any child under the age of 11 years unsupervised in any public library without the consent of the relevant public library manager or other member of Council staff present in the public library.

Penalty: 5 Penalty Units

PART 3

PROTECTION OF COUNCIL LAND AND ASSETS

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

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

17.1 A person must not:

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

Penalty: 20 Penalty Units

17.1.2 allow any drain vested in them and located on land which they own or occupy to fall into disrepair or a condition which is dangerous to health; or

Penalty: 20 Penalty Units

17.1.3 perform any act in relation to a drain into which they have been permitted to tap or to which they have been permitted to connect which causes the drain to:

(a) fall into disrepair; or

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

Penalty: 20 Penalty Units

18 Interference with Watercourse

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

Penalty: 10 Penalty Units

19 Constructing Vehicle Crossings

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

Penalty: 20 Penalty Units

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

19.2.1 construct or allow to be constructed; or

19.2.2 use or allow to be used

a second or subsequent vehicle crossing to service the land.

Penalty: 20 Penalty Units

20 Maintaining Vehicle Crossings

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

Penalty: 10 Penalty Units

21 Directing Vehicle Crossing Works

- 21.1 Council or an authorised officer may direct:
- 21.1.1 the construction of a temporary or permanent vehicle crossing;
 - 21.1.2 the repair or reconstruction of a vehicle crossing; and
 - 21.1.3 the removal of a vehicle crossing, and the reinstatement of any kerb, channel, footpath or other areas to the satisfaction of the authorised officer
- by the owner or occupier of any adjacent land at the owner's or occupier's cost.
- 21.2 Each owner or occupier of land to whom a direction has been given under this clause 21 must comply with that direction by applying for a permit to do, and conduct the works necessary for, the thing which is directed.

Penalty: 10 Penalty Units

22 Asset Protection

- 22.1 The:
- 22.1.1 owner of any land;
 - 22.1.2 builder engaged to carry out building work on land;
 - 22.1.3 appointed agent; and
 - 22.1.4 demolition contractor engaged to carry out the demolition of a structure on the land, in the case of building work involving demolition,
- must:
- 22.1.5 obtain an Asset Protection Permit before carrying out the building work or allowing the building work to be carried out on that land; and
 - 22.1.6 not carry out or allow to be carried out any building work on that land unless an Asset Protection Permit has been obtained.

Penalty: 20 Penalty Units

- 22.2 On the payment of an application fee, Council or an authorised officer may issue an Asset Protection Permit in respect of any land where building work is to be carried out.
- 22.3 An Asset Protection Permit may allow a person to enter land from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.

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

Penalty: 10 Penalty Units

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

Penalty: 20 Penalty Units

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

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

must:

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

22.7.6 provide to Council written notice of any prior damage to any part of the adjoining road or any other adjoining public asset or infrastructure at least seven (7) days before building work commences or the delivery of any equipment or materials to the land which relate to that building work.

Penalty: 20 Penalty Units

22.8 If the owner, builder or appointed agent or, in the case of building work involving demolition, the demolition contractor, fails to give written notice in accordance with clause 22.7, it will be presumed that there was no prior damage to any part of the adjoining road, Council land or other adjoining public asset or infrastructure prior to the commencement of building work.

22.9 The owner, builder and appointed agent and, in the case of building work involving demolition, the demolition contractor, must repair to the satisfaction of Council or an authorised officer any damaged road (including carriageway), channel, drain, vehicle crossing or other asset vested in Council adjacent to the land where the building work takes place or which is likely to be affected by the building work for which an Asset Protection Permit has been obtained.

Penalty: 20 Penalty Units

22.10 The amount of any security bond required under any Asset Protection Permit must be proportionate to the likely costs of repairing any potential damage to any existing Council land, road (including carriageway), channel, drain, vehicle crossing or other public asset arising from the building work.

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

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

22.11.2 may be refunded to the person who lodged it, upon Council's or an authorised officer's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to Council's or an authorised officer's satisfaction; and

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

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

23 Building Sites Generally

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

- 23.2 If Council or an authorised officer identifies any damage which appears to result from non-compliance with this Local Law, Council or an authorised officer:
- 23.2.1 may direct the responsible party to reinstate the damage within a specified time; and
 - 23.2.2 must provide the responsible party with written confirmation of the damage either at the time of the inspection or within a reasonable timeframe.
- 23.3 A responsible party must comply with any direction given under clause 23.2.

Penalty: 20 Penalty Units

- 23.4 Where any building work is being carried out on any land, the owner of the land, the builder engaged to carry out building work on the land, the appointed agent and, in the case of building work which involves demolition, the demolition contractor engaged to demolish a structure on the land, must ensure that the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice, by adopting measures to:
- 23.4.1 minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
 - 23.4.2 prevent building clean-up, wash-down or other wastes being discharged offsite or allowed to enter the stormwater system.

Penalty: 20 Penalty Units

- 23.5 Where any building work is being carried out on any land, the owner of the land, builder engaged to carry out building work on the land and the appointed agent must:
- 23.5.1 provide a refuse facility for the purpose of disposal of builder's refuse, and, provided the refuse facility contains all builder's refuse on the land to the satisfaction of Council or an authorised officer, its size, design and construction will be at the discretion of the builder;
 - 23.5.2 place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the duration of the building work;
 - 23.5.3 not place the refuse facility on any Council land or road without a permit;
 - 23.5.4 not deposit any builder's refuse in or over any part of the stormwater system; and
 - 23.5.5 empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.

Penalty: 20 Penalty Units

- 23.6 On any land where building work is being, or has been, carried out, the:
- 23.6.1 owner of the land on which the building work is being or has been carried out;
 - 23.6.2 builder engaged to carry out the building work; and
 - 23.6.3 appointed agent

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

Penalty: 20 Penalty Units

23.7 The:

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

23.7.2 builder engaged to carry out the building work; and

23.7.3 appointed agent

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

Penalty: 20 Penalty Units

23.8 No liability will arise under clause 23.7 if:

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

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

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

23.10 The:

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

23.10.2 builder engaged to carry out the building work; and

23.10.3 appointed agent,

must not, without a permit, carry out or allow to be carried out any building work on the land unless, in respect of that building work, the land is secure with permanent or temporary fencing which is at least 1.5 metres high and is to the satisfaction of Council or an authorised officer.

Penalty: 20 Penalty Units

24 Works on Council Land and Roads

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

24.1.1 the person causing the works to be carried out;

24.1.2 the person carrying out the works; and

24.1.3 any appointed agent

must ensure that:

24.1.4 those works are carried out safely;

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

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

Penalty: 20 Penalty Units

25 Damaging Council Land or Roads

25.1 A person must not, without a permit:

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

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

25.1.3 remove any thing from Council land or any road;

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

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

Penalty: 20 Penalty Units

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

26 Recreational Vehicles

26.1 A person must not, without a permit:

26.1.1 use; or

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

Penalty: 10 Penalty Units

27 Fences Between Private and Council Land

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

Penalty: 10 Penalty Units

PART 4 MUNICIPAL AMENITY

Introduction: This Part is concerned with the visual amenity of the municipal district. Its provisions control a number of activities which, if left uncontrolled, have the potential to detract from the natural environment.

28 Unsightly land

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

28.1.1 unsightly;

28.1.2 dangerous; or

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

Penalty: 20 Penalty Units

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

28.2.1 unconstrained rubbish;

28.2.2 dead trees and/or excessive growth of vegetation;

28.2.3 waste material;

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

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

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

28.2.7 scrap metal;

28.2.8 a disused excavation; or

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

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

28.3.1 mowing;

28.3.2 slashing; or

28.3.3 otherwise removing all overgrown grass and weeds

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

Penalty: 15 Penalty Units

29 Nature strips

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

29.1.1 is maintained in a neat and tidy condition; and

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

Penalty: 10 Penalty Units

30 Shipping containers

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

Penalty: 10 Penalty Units

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

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

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

(a) machinery;

(b) materials; or

(c) goods; or

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

Penalty: 10 Penalty Units

32 Permitting Camping

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

32.1.1 occupy; or

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

32.1.3 caravan;

32.1.4 tent; or

32.1.5 like structure

on that land.

Penalty: 10 Penalty Units

33 Camping

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

33.1.1 occupy; or

33.1.2 cause to be occupied

any

33.1.3 caravan;

33.1.4 tent; or

33.1.5 like structure

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

Penalty: 10 Penalty Units

34 Caravans

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

34.1.1 without a permit:

(a) place;

(b) cause to be placed; or

(c) permit to be placed,

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

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

Penalty: 10 Penalty Units

35 Camping on roads or Council land

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

35.1.1 camp; or

35.1.2 erect, place or occupy a:

(a) caravan;

(b) tent; or

- (c) similar structure

on a road, Council land or public place.

Penalty: 10 Penalty Units

36 Vegetation

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

36.1.1 by a driver, of any:

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

36.1.2 by a pedestrian, of any:

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

Penalty: 10 Penalty Units

37 Overhanging and Encroaching Vegetation

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

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

37.1.2 encroach upon any adjacent road or Council land.

Penalty: 10 Penalty Units

38 Vermin and Blackberries

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

Penalty: 10 Penalty Units

39 Prevention of Fire Risks

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

Penalty: 20 Penalty Units

40 Numbering of Allotments

40.1 Council or an authorised officer may from time to time allot a number to an allotment and may from time to time allot a different number to an allotment or otherwise change the numbering.

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

40.2.1 in a form;

40.2.2 of sufficient size; and

40.2.3 in such a position, clear of vegetation, and other obstructions

so as to be clearly visible and legible from the road on which the allotment has its frontage.

Penalty: 5 Penalty Units

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

40.3.1 made of durable materials;

40.3.2 kept in a good state of repair; and

40.3.3 renewed as often as may be necessary.

Penalty: 5 Penalty Units

41 Fires

41.1 A person must not, without a permit:

41.1.1 light;

41.1.2 allow to be lit; or

41.1.3 allow to remain alight

a fire in the open air.

Penalty: 10 Penalty Units

42 Incinerators

42.1 A person must not:

42.1.1 construct;

42.1.2 erect;

42.1.3 install;

42.1.4 use; or

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

Penalty: 15 Penalty Units

43 Extinguishing Fires

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

43.1.1 an authorised officer;

43.1.2 a member of the Victoria Police; or

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

Penalty: 20 Penalty Units

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

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

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

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

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

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

43.2.6 gas and kerosene lights, flares, outdoor braziers or heaters or burners installed for the comfort or convenience of those seated outside a restaurant, cafe or like establishment; or

43.2.7 as part of a religious or cultural ceremony.

44 Dilapidated Buildings

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

44.1.1 become dilapidated;

44.1.2 become further dilapidated;

44.1.3 become derelict;

44.1.4 be in a state of disrepair;

44.1.5 become damaged or defaced;

44.1.6 adversely affect the amenity of the surrounding neighbourhood; or

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

Penalty: 20 Penalty Units

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

Penalty: 20 Penalty Units

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

Penalty: 20 Penalty Units

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

PART 5
ROAD AND COUNCIL LAND: OBSTRUCTIONS AND BEHAVIOUR

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

45 Dog Excrement

45.1 A person:

- 45.1.1 must not permit excrement of a dog under their care or control to remain on a road or Council land; and
- 45.1.2 who is in charge or control of a dog on a road or Council land must have in their possession a bag for the purpose of removing from the road or Council land any excrement from that dog deposited on the road or Council land.

Penalty: 10 Penalty Units

46 Spitting

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

Penalty: 10 Penalty Units

47 Shopping Trolleys

47.1 A person must not leave a shopping trolley:

- 47.1.1 on a road;
- 47.1.2 on Council land; or
- 47.1.3 in a car park vested in Council

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

Penalty: 10 Penalty Units

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

- 47.2.1 does not have a fully functioning coin deposit and release mechanism attached to it; or
- 47.2.2 is not secured to the retailer's premises by a perimeter constraint system approved by Council or an authorised officer.

Penalty: 20 Penalty Units

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

47.4 An authorised officer or a person engaged by Council for this purpose may, on behalf of Council, seize and impound any shopping trolley which is being made available for use or

is being used or has been left on a road or on Council land in contravention of this Local Law.

- 47.5 On the first business day of each month or as soon possible thereafter, a list of shopping trolleys that have been impounded by Council will be forwarded to each retailer stating:
- 47.5.1 the period within which the shopping trolley must be claimed;
 - 47.5.2 that unclaimed shopping trolleys may be disposed of by Council after the period; and
 - 47.5.3 that it is an offence for a retailer to not claim an impounded shopping trolley.
- 47.6 Any impounded shopping trolley may be claimed by the retailer who owns the shopping trolley after payment of a fee set by Council, which fee must not exceed an amount that reasonably represents the cost to Council of seizing, impounding, moving, keeping and releasing the shopping trolley (including any relevant overhead and other indirect costs).
- 47.7 Any impounded shopping trolley not claimed within the time specified in the list of impounded shopping trolleys referred to in clause 47.5 may be disposed of by Council.
- 47.8 A retailer must claim the impounded shopping trolley within the period stated by Council in the list of impounded shopping trolleys forwarded to that retailer.

Penalty: 10 Penalty Units

48 Signs, Goods and Street Trading Items

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

Penalty: 20 Penalty Units

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

Penalty: 20 Penalty Units

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

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

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

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

Penalty: 20 Penalty Units

49 Obstructions on Roads

49.1 A person must not, without a permit:

49.1.1 leave or permit to be left any:

- (a) bulk rubbish container on a road or Council land; or
- (b) other thing on a road or Council land which encroaches on, or obstructs the free use of, the road or Council land or which reduces the breadth, or confines the limits, of the road or Council land; or

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

Penalty: 20 Penalty Units

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

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

50 Spoil on Roads

50.1 A person must not:

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

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

- 50.1.3 the filling or excavation of any land; or

50.1.4 building work

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

Penalty: 20 Penalty Units

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

51 Occupation of Roads for Works

- 51.1 A person must not, without a permit:

51.1.1 occupy or fence off;

51.1.2 erect a hoarding or scaffolding on;

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

51.1.4 make a hole or excavation in;

51.1.5 fill a hole or excavation in; or

51.1.6 remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic

on any road or part of a road.

Penalty: 20 Penalty Units

- 51.2 Clause 51.1 does not apply to the works or activities of a Service Authority if the Service Authority notifies Council in writing that it has made, proposes to make or has authorised the making of a hole or excavation in a road.

52 Repair and Display for Sale of Vehicles

- 52.1 A person must not:

52.1.1 paint a vehicle on a road or Council land;

52.1.2 service a vehicle on a road or Council land;

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

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

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

Penalty: 20 Penalty Units

53 Storage of Vehicles

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

53.1.1 boat;

53.1.2 trailer;

53.1.3 caravan; or

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

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

Penalty: 20 Penalty Units

54 Consumption of Alcohol

54.1 A person must not:

54.1.1 consume any alcohol; or

54.1.2 have in their possession any unsealed container of alcohol

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

Penalty: 10 Penalty Units

55 Wheeled Toys

55.1 A person must not:

55.1.1 use; or

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

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

Penalty: 10 Penalty Units

PART 6

SALE OF GOODS, STREET COLLECTIONS AND DISTRIBUTIONS AND STREET PARTIES

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

56 Persons Selling Goods

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

Penalty: 10 Penalty Units

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

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

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

Penalty: 10 Penalty Units

57 Street Collection

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

Penalty: 10 Penalty Units

58 Unsolicited Material

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

Penalty: 10 Penalty Units

59 Busking

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

59.1.1 road; or

59.1.2 Council land

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

Penalty: 10 Penalty Units

60 Street Parties

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

Penalty: 10 Penalty Units

PART 7 KEEPING OF ANIMALS

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

61 Application of this Part

61.1 This Part does not apply to any land:

61.1.1 on which a pet shop is located; or

61.1.2 on which an animal hospital or veterinary practice is located

if the use of the land for this purpose is permitted under a Planning Scheme applicable to the land.

62 Keeping of Animals Generally

62.1 Unless permitted under a Planning Scheme applicable to the land, a person must not, without a permit, keep or allow to be kept on land any more of each species or group of animals than is stated in the following table:

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

Penalty: 10 Penalty Units

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

Penalty: 10 Penalty Units

63 Housing of Animals

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

63.1.1 in a clean, inoffensive and sanitary condition;

63.1.2 so as not to cause any nuisance; and

63.1.3 to the satisfaction of Council or an authorised officer.

Penalty: 10 Penalty Units

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

Penalty: 10 Penalty Units

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

Penalty: 10 Penalty Units

64 Noise and Smell from Animals

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

Penalty: 10 Penalty Units

65 Feeding of Animals

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

Penalty: 10 Penalty Units

PART 8 RESOURCE RECOVERY

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

66 Disposal of Disused Refrigerators and other Compartments

66.1 A person must not place:

66.1.1 a disused refrigerator;

66.1.2 an ice chest;

66.1.3 a chest; or

66.1.4 any other similar article

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

66.1.5 rubbish tip;

66.1.6 road;

66.1.7 Council land;

66.1.8 public place; or

66.1.9 unfenced vacant land,

unless:

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

66.1.11 in any event, they have first:

(a) removed from it every door and lid;

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

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

Penalty: 10 Penalty Units

67 Resource Collection

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

67.1.1 domestic waste collection service must:

(a) without delay deposit all domestic waste generated on the land which is to be collected by Council into an approved garbage receptacle designated for the deposit of domestic waste, although nothing in this clause will preclude an occupier from using some other object for the deposit of domestic waste prior to the transfer of the domestic waste to the approved garbage

receptacle or from composting any organic waste in a fly and vermin-proof compost container;

- (b) not place out for collection by Council any domestic waste other than in an approved garbage receptacle designated for the deposit of domestic waste;
- (c) not place out for collection any approved garbage receptacle, except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove an approved garbage receptacle from any land except when it is placed out for collection;

67.1.2 green waste collection service must:

- (a) without delay deposit all green waste generated on the land which is to be collected by Council into an approved green waste receptacle designated for the deposit of green waste, although nothing in this clause will preclude an occupier from using an object for the deposit of green waste prior to the transfer of the green waste to the approved green waste receptacle;
- (b) not place out for collection by Council any green waste other than in an approved green waste receptacle designated for the deposit of green waste;
- (c) not place out for collection any approved green waste receptacle except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove any approved green waste receptacle from any land, except when it is placed out for collection;

67.1.3 recycling collection service must:

- (a) without delay deposit all recyclables used on the land which are to be collected by Council into a recycling receptacle, although nothing in this clause will preclude an occupier from using an object for the deposit of recyclables prior to the transfer of the recyclables to the recycling receptacle;
- (b) not place out for collection by Council any recyclables other than in a recycling receptacle;
- (c) not place out for collection any recycling receptacle except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove any recycling receptacle from any land, except when it is placed out for collection; and

67.1.4 commercial paper and cardboard collection service must:

- (a) without delay deposit all paper and cardboard used on the land which are to be collected by or on behalf of Council into the container provided by or on behalf of Council for that purpose, although nothing in this clause will preclude an occupier from using an object for the deposit of paper and

cardboard prior to the transfer of the paper and cardboard to the provided by Council for that purpose;

- (b) not place out for collection by or on behalf of Council any paper or cardboard other than in the container provided by Council for that purpose;
- (c) not place out for collection any paper or cardboard, except in accordance with any requirements prescribed by or determined in accordance with this Local Law and published on Council's website; and
- (d) not remove a container provided by or on behalf of Council for the purpose of the paper and cardboard collection service from any land, except when it is placed out for collection.

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

67.3.1 be placed:

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

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

67.3.2 be placed so that there is a minimum:

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

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

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

- 67.10 The occupier of any land must not:

67.10.1 use; or

67.10.2 allow to be used

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

Penalty: 5 Penalty Units

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

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

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

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

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

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

Penalty: 5 Penalty Units

68 Hard Rubbish and Green Waste Collection

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

Penalty: 5 Penalty Units

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

Penalty: 5 Penalty Units

69 Interference with Waste

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

Penalty: 5 Penalty Units

- 69.2 Council or an authorised officer may, by notice in writing, direct the owner or occupier of any land to install, repair, replace or modify a fence or other means of screening a receptacle or trade waste hopper from public view if the receptacle or trade waste hopper is unsightly, dangerous or detrimental to the general amenity of the neighbourhood in which it is located.
- 69.3 An owner or occupier of land to whom a direction is given under clause 69.2 must comply with that direction.

Penalty: 10 Penalty Units

70 Suspension of Waste Collection Service

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

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

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

71 Street and Other Litter

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

Penalty: 10 Penalty Units

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

Penalty: 5 Penalty Units

72 Transportation of Waste

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

72.1.1 constructed;

72.1.2 fitted;

72.1.3 loaded; and

72.1.4 covered

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

Penalty: 10 Penalty Units

73 Storage of Trade Waste

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

Penalty: 10 Penalty Units

74 Storage Site for Trade Waste

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

74.1.1 has an impermeable surface;

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

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

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

Penalty: 10 Penalty Units

75 Waste Management at Accommodation

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

Penalty: 10 Penalty Units

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

Penalty: 10 Penalty Units

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

Penalty: 10 Penalty Units

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

76 Waste Management Plans

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

Penalty: 10 Penalty Units

PART 9

ADMINISTRATION AND ENFORCEMENT

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

77 Impounding

- 77.1 An authorised officer may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
- 77.2 Where any thing has been impounded under this Local Law, Council or an authorised officer must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- 77.3 An impounded thing must be surrendered to:
- 77.3.1 its owner; or
 - 77.3.2 a person acting on behalf of its owner who provides evidence to the satisfaction of an authorised officer of their authority from the owner,
- on
- 77.3.3 evidence to the satisfaction of the authorised officer being provided of the owner's right to the thing; and
 - 77.3.4 payment of any fee determined by Council or an authorised officer from time to time.
- 77.4 Clauses 77.2 and 77.3 do not apply to the impounding of alcohol or any shopping trolley under this Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.
- 77.5 If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served or, if no notice of impounding has been served, of the act of impounding, Council may, at its discretion:
- 77.5.1 sell;
 - 77.5.2 give away; or
 - 77.5.3 destroy
- the impounded thing.

78 Notices to Comply

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

- 78.2.1 specify the thing in breach of the Local Law;
 - 78.2.2 specify the thing to be done or the work to be carried out to remedy the thing in breach of the Local Law; and
 - 78.2.3 state the time and date by which the thing must be remedied.
- 78.3 The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
- 78.3.1 the amount of work involved;
 - 78.3.2 the degree of difficulty;
 - 78.3.3 the availability of necessary materials or other necessary items;
 - 78.3.4 climatic conditions;
 - 78.3.5 the degree of risk or potential risk; and
 - 78.3.6 any other relevant matter.
- 78.4 Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

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

79 Permits

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

- 79.6 Council or an authorised officer may require an applicant for a permit to provide Council with more information before Council or the authorised officer deals with the permit application.
- 79.7 A permit expires on the date specified in the permit or, if no such date is specified, the permit will expire one (1) year after the date of issue.

80 Considering Applications

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

81 Correction of Permits

- 81.1 Council or an authorised officer may correct a permit issued if the permit contains:
- 81.1.1 a clerical mistake or an error arising from any accident, slip or omission; or
 - 81.1.2 an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
- 81.2 Council or the authorised officer must note the correction in the register of permits kept under clause 79.4.

82 Grounds for Cancellation of or Amendment of Permits

- 82.1 Council or an authorised officer may cancel or amend any permit if there has been:
- 82.1.1 a material mis-statement or concealment of fact(s) in relation to the application for a permit;
 - 82.1.2 any material mistake in relation to the issue of the permit;
 - 82.1.3 any material change of circumstances which has occurred since the issue of the permit;
 - 82.1.4 a failure to comply with the conditions under which the permit was issued; or
 - 82.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.
- 82.2 Council or the authorised officer must notify the holder of the permit of the intention to amend or cancel the permit and give the holder of the permit an opportunity to make a written submission before the permit is amended or cancelled.

- 82.3 If Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, Council or the authorised officer must note that cancellation or amendment in the register of permits kept under clause 79.4.

83 Exemption

- 83.1 Council or an authorised officer may exempt a person or a class of persons from the application of, or need to comply with, this Local Law or any part of it, either generally or in a particular instance.
- 83.2 Any exemption:
- 83.2.1 must be in writing; and
 - 83.2.2 may be subject to conditions.

84 Urgent Circumstances

- 84.1 If:
- 84.1.1 a person has breached any provision of this Local Law in respect of which a Notice to Comply may be issued;
 - 84.1.2 the breach threatens a person's or an animal's life or health, any property or the natural environment; and
 - 84.1.3 the circumstances are sufficiently urgent and the time necessary to serve and ensure compliance with a Notice to Comply may exacerbate that threat,
- an authorised officer may take such action as they consider necessary to abate or minimise the danger without serving a Notice to Comply if notice is given of:
- 84.1.4 the reasons for taking the action; and
 - 84.1.5 the action taken
- to the person in breach of the provision of this Local Law in respect of which the action was taken as soon as practicable afterwards.

85 Offences

- 85.1 A person who:
- 85.1.1 contravenes or fails to comply with any provision of this Local Law;
 - 85.1.2 contravenes or fails to comply with any condition contained in a permit issued under this Local Law; or
 - 85.1.3 contravenes or fails to comply with a Notice to Comply by the date specified in the Notice to Comply,
- is guilty of an offence and is liable to the penalty stated under the provision that is contravened or, if no penalty is stated, five (5) penalty units.
- 85.2 Where a person is found guilty of an offence under this Local Law they will be liable to:

- 85.2.1 a further penalty of one (1) penalty unit for each day during which the contravention continues; and
- 85.2.2 upon being found guilty of a second or subsequent offence, a penalty that is double the penalty stated under the provision that is contravened or 20 penalty units, whichever is the lesser.

86 Infringement Notices

- 86.1 Where an authorised officer has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the authorised officer may, as an alternative to prosecution for an offence, serve on that person an Infringement Notice.
- 86.2 The penalties fixed for Infringement Notices are set out in Schedule 1.
- 86.3 If no penalty for an Infringement Notice is stated in Schedule 1, the penalty is two (2) penalty units.
- 86.4 Any person issued with an Infringement Notice may pay the penalty in the manner stated on the Infringement Notice.

87 Penalties

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

88 Requirement to Act Fairly and Reasonably

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

89 Delegation

- 89.1 Pursuant to section 78 of the Act, Council:
 - 89.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and
 - 89.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

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

THE COMMON SEAL of MONASH CITY COUNCIL

was hereto affixed in the presence of :

.....
.....

Schedule 1

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