



# **YARRA RANGES SHIRE COUNCIL**

## **Neighbourhood Amenity Local Law 2020**

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## Part 1 – Preliminary

### 1.1 Title

This is the Neighbourhood Amenity Local Law 2020, hereafter referred to as the Local Law.

### 1.2 Objectives

The objectives of this Local Law are to:

- (a) provide for the peace, order and good governance of the **municipal district**;
- (b) prohibit, regulate and control activities, events, practices or behaviour in **public places** so that no detriment is caused to the amenity of the neighbourhood, nor **nuisance** to a **person** nor detrimental effect to a **person's property**;
- (c) protect **Council's** assets and **land** and regulate their use;
- (d) promote a physical and social environment free from hazards to health in which the community can enjoy a quality of life that meets its general expectations;
- (e) provide for those matters which require a local law under the **Act** and any other Act; and
- (f) provide for the administration of **Council** powers and functions.

### 1.3 The Power to Make this Local Law

**Council's** power to make this Local Law is contained in section 111(1) of the **Act** and section 42 of the *Domestic Animals Act* 1994.

### 1.4 Commencement

This Local Law commences operation on 14 September 2020.

### 1.5 Revocation Date

Unless sooner revoked, this Local Law ceases to operate 10 years after the date it commenced.

### 1.6 Revocation

The following local laws are revoked:

- (a) General Provisions Local Law 2012; and
- (b) Open Air Burning Local Law 2018.

## 1.7 Area of Operation

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

## 1.8 Interpretation

In this Local Law, unless the contrary intention appears, a reference to:

- (a) a clause is a reference to a clause in this Local Law;
- (b) a sub-clause is a reference to a sub-clause of the clause in which the reference is made;
- (c) a paragraph is a reference to a paragraph of the sub-clause in which the reference is made;
- (d) a Part is a reference to a Part of this Local Law; and
- (e) the singular also refers to the plural.

## 1.9 Definitions

***Explanatory Note** – In this Local Law, definitions are shown in bold type*

In this Local Law, unless inconsistent with the context:

“**Act**” means the *Local Government Act 1989*;

“**adequate water supply**” means a water supply available in the form of a connected and charged hose of suitable length or in a container at hand at all times to control a fire and prevent it spreading or escaping;

“**advertising sign**” means any placard, board, poster, banner, sign, card or other device, whether portable or not, used for the purpose of soliciting custom for goods or services or for displaying information but excludes **electoral signage**, a **real estate board**, a **community advertising sign** and an **open for inspection sign**;

“**alcohol**” means a drink with an alcoholic content greater than 0.5% by volume at a temperature of 20 degrees celsius;

“**animal**” means a living organism that feeds on organic matter, typically having specialised sense organs and nervous system and being able to move about and to respond to stimuli;

“**another property**”, for the purposes of Part 9, means a **property** other than the **property** on which the **scaregun** is located and which is occupied by a **person** or **persons** other than the **person** who is using or who is allowing or authorising the use of the **scaregun**;

“**applicant**” means a **person** who applies for a **permit**;

“**appointed agent**” means the **person** appointed by the **owner** or builder of the **building site**;

“**appropriate fee**” means a fee determined by **Council**;

“**authorised officer**” means a **person** appointed as an **authorised officer** under section 224 of the **Act** or any similar provision in any Act substantially re-enacting the **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;

“**building site**” means any **land** on which **building work** is being carried out;

“**building work**” means any construction, renovation, alteration, removal, relocation or demolition of a building on any **land** and includes any excavation, earthworks or concreting works being carried out on any **land**;

“**bulk rubbish container**” means a bin, skip or other container used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with **Council’s** regular household rubbish collection;

“**busk**” means to perform to the public, whether by acting, juggling, singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money;

“**camp**” means using a **caravan**, tent, swag, **motor vehicle**, shipping container, shed or like structure for residential accommodation (either temporary or permanent) by a **person** or **persons**;

“**caravan**” means any **caravan** requiring to be registered, motor home, bus and any other object or structure having the general characteristics of a **caravan**, notwithstanding that any of the wheels or axles thereof have been removed or that it is resting directly on the ground or is placed on blocks or other supports, and which is designed to be used for the temporary accommodation of people;

“**car park**” means an area which is located on **land**:

- (a) owned by;
- (b) occupied by;
- (c) under the care, management and control of

**Council**, and which is designated as being, or set aside for the purposes of, a **car park**;

“**CFA**” means the Country Fire Authority;

“**CFA Act**” means the *Country Fire Authority Act 1958*;

“**charity clothing bin**” means any receptacle designed for the collection of donated clothing or goods for recycling;

“**Chief Executive Officer**” means the member of **Council** staff appointed pursuant to section 94(3) of the **Act**;

“**commercial**” means an activity related to doing business or for business purposes;

“**community advertising sign**” means a sign advertising or promoting a community organisation or event;

“**Council**” means Yarra Ranges Shire **Council**;

“**Council land**” means any **land** either vested in or under the control of **Council**, and includes a **reserve**, watercourse, **reservation**, parking area and the like, together with any improvements thereon but excludes a **road**;

“**dealing in goods**” includes selling or exposing goods for sale or possessing goods with the intention of selling them or offering them for sale;

“**DELWP**” means the Department of Environment, Land, Water and Planning and any successor of such department;

“**direction**” means a written or verbal instruction given to a **person** by **Council** or an **authorised officer**, requiring compliance with this Local Law;

“**domestic quantities**” means quantities normally associated with residential activities but excludes trade waste generated by **commercial**, **business**, industrial activities or waste repeatedly brought onto the **premises** for the purpose of disposal;

“**electoral signage**” means any sign, noticeboard or other form of advertising which promotes a **person’s** candidature or prospective candidature in connection with Commonwealth, State or local government elections or which promotes a political party;

“**Environment Protection Authority**” means the **Environment Protection Authority** constituted under the *Environment Protection Act 1970*;

“**environmental weed**” means any weed that **Council** has, in a public notice, declared to be an **environmental weed**;

“**ESTA**” means the Emergency Services Telecommunications Authority;

“**farm animal**” means any horse, cattle, camel, donkey, mule, cow, bull, steer, sheep, pig, deer, goat, ox, ostrich, emu, alpaca, llama and or other **animal** kept for harvest of fleece, hide or meat, irrespective of whether the **animal** is kept as a companion **animal**;

“**farm land**” has the same meaning as in the *Valuation of Land Act 1960*;

“**fee**” means a **fee** fixed by **Council**;

“**fire danger period**” has the same meaning as in the **CFA Act**;

“**film permit**” has the same meaning as in the *Filming Approval Act 2014*;

“**fixed business**” means a business operating from a building;

“**fuel reduction**” means the reduction of natural flammable organic materials for the purpose of fire prevention which may be achieved by burning and any other method;

“**graffiti**” means any unauthorised inscription, figure or mark written, painted, drawn or otherwise displayed on any surface and which cannot be readily removed by wiping with a damp cloth;



“**gross vehicle mass**” means the weight of a **vehicle** plus its carrying capacity;

“**incorporated document**” means a document which forms part of this Local Law having been incorporated by reference pursuant to section 112 of the **Act**;

“**incinerator**” means a structure, device or contraption (not enclosed in a building) which is:

- (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; and
- (b) not a **barbeque** or a **manufactured fireplace** designed and used for the purpose of outdoor heating or cooking;

“**infringement notice**” means an **infringement notice** issued under this Local Law;

“**land**” includes any building or structure affixed to the **land** but excludes:

- (a) a highway within the meaning of *the Road Safety Act 1986*; or
- (b) any **land** under the control of a **statutory authority**;

“**manufactured fireplace**” means a brazier, chimenea, fire pit, or other self-contained, manufactured item for outdoor burning designed exclusively for cooking, heating or comfort;

“**MFB**” means the Metropolitan Fire Brigade;

“**motor vehicle**” has the same meaning as in section 3 of the *Road Safety Act 1986*;

“**municipal building**” means any building:

- (a) owned and occupied by; or
- (b) under the care, management and control of

**Council**;

“**municipal district**” means the area comprising the **municipal district** of **Council**;

“**nature strip**” means the area between the carriageway and the **property** boundary on any **road** which abuts the **property**;

“**Notice to Comply**” means a written notice issued by **Council** or an **authorised officer** requiring a **person** to comply with this Local Law;

“**noxious weed**” has the same meaning as in the *Catchment and Land Protection Act 1994*;

“**nuisance**” means any condition which is liable to be noxious, offensive, dangerous or injurious to health or personal comfort, and includes any noise created by an **animal** or any other thing which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any **person** in any other **premises** or on any other **land**;

“**occupier**” means the **person** in charge, or having the management or control, of any **land** and includes the tenant, or employees and other **persons** in control of **land**;

“**offence**” means an **offence** under this Local Law;

“**offensive material**” means any material which, when burned, is known or is likely to create **offensive smoke** or injurious emissions which are of a noxious, harmful, annoying, offensive or injurious nature, whether or not burnt in **domestic quantities** including on a single occasion or on infrequent occasions;

“**offensive smoke**” means the emission of smoke, ash, odour or other air pollutant which, due to its intensity, duration, frequency or other factor, unreasonably interferes with a **person’s** comfort or activities;

“**open air**” means a fire in the **open air** in any place other than within a **permanent structure**;

“**open air burning**” means lighting a fire, authorising the lighting of a fire or allowing a fire to remain alight in the **open air**;

“**open for inspection sign**” means a sign:

- (a) advising that a **property** or **land** is open for inspection or to be auctioned; or
- (b) pointing to a **property** or **land** which is open for inspection or to be auctioned;

“**owner**”, in relation to **premises, property** or **land**, means the **owner** of the **premises, property** or **land** or a **person** authorised in writing by the **owner** to act on the **owner’s** behalf;

“**owner**”, in relation to an **animal**, includes a **person** who keeps or harbours the **animal** or has the **animal** in care for the time being, whether the **animal** is at large or in confinement;

“**pavement**” includes every footpath, lane or other place within the **municipal district** which is habitually used by pedestrians and not by **motor vehicles**;

“**Penalty Unit**” has the same meaning as in the *Sentencing Act* 1991;

“**permanent structure**” means a structure of a permanent kind, consisting of a roof and fully enclosed on all sides, and includes a **caravan** other than a tent;

“**permit**” means a **permit** issued under this Local Law and includes a contract, agreement, lease, licence or other form of prior written approval between **Council** and another **person**;

“**permit holder**” means a **person** to whom a **permit** has been issued;

“**person**” includes a partnership, unincorporated body, a corporation, or an association incorporated under the *Associations Incorporation Reform Act* 2012;

“**Planning Scheme**” means the Yarra Ranges **Planning Scheme**;

“**poultry**” includes fowls, ducks, geese, turkeys, quails and pigeons;

“**premises**” includes **land**, a **property**, buildings and a building under construction;

“**prescribed**” means a matter relevant to this Local Law determined **by resolution** of **Council** and **prescribe** and **prescriptions** have corresponding meanings;

“**private land**” means **land** that is not **Council land**, a **road** or a **public place**;

“**procession**” means an organised group of people proceeding along a **road**, or gathering for a ceremony or function, and includes fun runs and bicycle events;

“**property**” means any **land** in separate ownership or occupation, and **properties** has a corresponding meaning;

“**public asset**” means an asset that has a public service function and is managed or controlled by **Council**, including, but not limited to:

- (a) a **road**;
- (b) a **pavement**;
- (c) a **nature strip**;
- (d) kerb and channel;
- (e) a drainage pit and pipe;
- (f) street furniture;
- (g) signage, including street signs;
- (h) street trees;
- (i) buildings;
- (j) a playground;
- (k) **Council reserves**;
- (l) fences and gates; and
- (m) land;

“**public notice**” has the same meaning as in the **Act**;

“**public place**” has the same meaning as in the *Summary Offences Act 1966*;

“**real estate board**” means a board or other form of sign which promotes a **property** or **land** for sale or lease;

“**recreational vehicle**” includes a mini-bike, trail bike, go-kart, motor scooter, or any motorised device used for the conveyance of a **person**, whether on **land** or water;

“**reservation**” means a physical provision on a **road** which divides it longitudinally (other than a longitudinal line or a series of lines marked on a carriageway) and includes a **nature strip** adjoining a footpath or **property** line;

“**reserve**”

- (a) means any **land**, commons or public **reserve** owned or managed by **Council**;
- (b) includes any **land** purchased or rented or otherwise provided by, granted or given to or vested in **Council**, for the provision of pleasure grounds or places of public recreation, including a playground, **car parks**, bike trails, gardens and other areas within the **land**; and
- (c) includes any **tree reserve**, garden, lawn or ornamental plantation in or upon any **road** within the **municipal district**;

“**residence**” includes part of a building used or intended to be used as a separate **residence**;

“**resident**” means a **person** who resides within the **municipal district**;

“**residential premises**” means **land** on which there is a building used to permanently or temporarily accommodate **persons**, and includes a dwelling, residential hotel, hostel, motel, boarding house, rooming house and bed and breakfast establishment;

“**responsible road authority**” has the same meaning as in the *Road Management Act 2004*;

“**road**” has the same meaning as in the **Act**;

“**scaregun**” means a gas or similar gun designed to scare birds from attacking crops but excludes a firearm;

“**Schedule**” means a **Schedule** to this Local Law;

“**short stay accommodation**” means accommodation for no more than 30 consecutive days in a dwelling on terms that oblige the occupant to pay a **fee** or tariff;

“**smoke hazard**” means the creation of an ongoing and hazardous adverse visibility impact on a **road** or **property** by smoke from burning off, and includes an adverse impact on sight distances for **road** users;

“**statutory authority**” means a government department, or a body established by an Act of the Parliament of Victoria or the Commonwealth of Australia;

“**storage container**” means a removable enclosed container capable of holding goods for storage which is not designed to be lifted without mechanical assistance, and includes a shipping container;

“**street festival**” means an organised recreational, cultural, **commercial** or social gathering of people which is held on a **road**;

“**street furniture**” means any sign, notice, structure, or fixture which is owned, erected or maintained by **Council** and which is located on or adjacent to a **road**;

“**street party**” means an organised social gathering of people that is held on a **road**;

“**traffic**” means the movement of people by foot or in or on a **vehicle** along, across or within a **road**;

“**tree**” includes plants and shrubs;

“**unmanaged honeybee swarm**” means a colony of honeybees hiving or swarming in a location not in accordance with the *Apiary Code of Practice* nor under management of a registered apiarist attempting to comply with the *Apiary Code of Practice*;

“**unsightly**” means **land** which is visible to the public and kept in such a manner so as to be detrimental to the general amenity of the neighbourhood;

“**vehicle**” has the same meaning as in the *Road Safety Act 1986*;

“**vehicle crossing**” means a constructed area that provides for the passage of **vehicles** from a carriageway to **private land** and includes the kerb, channel, **nature strip** and footpath; and

“**windrow**” means an accumulation of felled, fallen or cleared **trees** or other vegetation, the volume of which is 50 cubic metres or more.

***Explanatory note:** Expressions used in this Local Law generally have the same meaning as in the Act unless the contrary intention appears. In the Act, “road” is defined to include streets, rights of way, proclaimed streets or roads, footpaths, bicycle paths, nature strips, culverts, kerbing and other land or works forming part of the road.*

## 1.10 Prescriptions

All **prescriptions** under this Local Law must appear on **Council’s** website.

## 1.11 Incorporated Documents

The **incorporated document** which forms part of this Local Law is:

- (a) The *Apiary Code of Practice 2011*.

## 1.12 Exemptions

**Council** may exempt any **person** from the operation of any clause of this Local Law.

## 1.13 Delegation

Where, in this Local Law, a function or power is conferred on **Council**, that function or power can be performed and that function or power can be exercised by the **Chief Executive Officer** or any member of **Council** staff to whom performance of the function or exercise of the power is delegated.

## Part 2– Vehicles

### 2.1 Purpose

The purpose of this Part is to:

- (a) empower **authorised officers** to impound unregistered or abandoned **vehicles** left standing on a **road** or **Council land**;
- (b) regulate and control activities in relation to **vehicles** on any **road** or **Council land**; and
- (c) prohibit the storage of **vehicles** on any **road** or **Council land**.

### 2.2 Abandoned or Derelict Vehicles

A **person** must not abandon, leave or allow to be left, in or on a **public place, road, reserve** or **Council land** any **vehicle** or **recreational vehicle** that is:

- (a) not currently registered if it is of a class of **vehicle** which is required to be registered under the *Road Safety Act* 1986 or some other Act; or
- (b) derelict to such an extent that it is unable to move under its own power and is in a state of disrepair.

**Penalty: 10 Penalty Units**

### 2.3 Repair of Vehicles and Storage of Vehicles

A **person** must not:

- (a) repair, paint, maintain or service a **vehicle** on any **road** or **Council land** except where it is necessary to undertake minor repairs to get the **vehicle** underway or moving; or
- (b) use any **road** or other **Council land** for the purpose of storing a **vehicle** for more than 14 consecutive days.

**Penalty: 10 Penalty Units**

## Part 3– Street Naming and Numbering

### 3.1 Purpose

The purpose of this Part is to provide for **roads** to be named and signed and **properties** to be numbered accurately to assist emergency services and for the proper administration of **Council's** functions.

### 3.2 Council to approve Road Names

- (a) A **person** must not, without the prior written consent of **Council** apply a name to a **road**.

**Penalty: 5 Penalty Units**

- (b) Clause 3.2(a) does not apply to any freeway or to any supplementary name applied to the entire length of a **road** for which **Council** is not the **responsible road authority**.

### 3.3 Property numbers

An **owner** of a **property** must display the **property** number allocated to the **property** by **Council**.

**Penalty: 5 Penalty Units**

### 3.4 Council may number properties

Where the **owner** does not display the number allocated to the **property**, **Council** or an **authorised officer** may cause the **property** to be numbered and recover the cost of doing so from the **owner**.

## Part 4 – Trading and Advertising

### 4.1 Purpose

The purpose of this Part is to regulate the:

- (a) use of **roads** and other places by **persons dealing in goods** and services; and
- (b) exhibition of **advertising signs** (including on **vehicles** left standing on **roads**).

### 4.2 Roadside Trading

A **person** must not, without a **permit**, sell, or offer for sale any goods or services to any **person** who is on a **road** or in a **public place**.

**Penalty: 10 Penalty Units**

### 4.3 Regulation of Trading

- (a) A **permit** issued to a **person** does not authorise that **person** to sell goods or services at a place if the place is within 1km of any **fixed business** selling goods or services of the same type or nature as that being sold by the **permit** holder.

**Penalty: 10 Penalty Units**

- (b) Clause 4.3(a) does not apply to a **person** who has been granted a **permit** to trade from a **prescribed** site.

### 4.4 Trading Conduct

A **person** must not, conduct or cause to be conducted any roadside trading, **busk**, sell or offer for sale goods or services on any **road** or in any **public place** in such a manner that:

- (a) the safety of any **person** or passage of **vehicles** is likely to be affected;
- (b) the activity will disturb, annoy or disrupt adjacent **owners** or **occupiers** of any **property** or any other **person**;
- (c) the activity will unfairly impact on **fixed businesses** selling, offering or displaying for sale goods that are similar to those offered by the **person**;  
or
- (d) the activity will be detrimental to the amenity of the area in which the **road** or **public place** is located.

**Penalty: 10 Penalty Units**



#### 4.5 Footpath Trading

A **person** must not, without a **permit**, exhibit, place out for exhibition, allow to be exhibited, or placed out for exhibition:

- (a) an A-Frame sign;
- (b) merchandise; or
- (c) furniture

on any **road** or in any **public place**.

**Penalty: 10 Penalty Units**

#### 4.6 Real Estate Boards & Community Advertising Signs

- (a) A **person** must not, without a **permit**, exhibit, place out for exhibition, allow to be exhibited, or placed out for exhibition, a **real estate board** or **community advertising sign** on any **road** or in any **public place**.

**Penalty: 10 Penalty Units**

- (b) A **person** must not exhibit, place out for exhibition, allow to be exhibited, or placed out for exhibition, an **open for inspection sign** on any **road** or in any **public place** unless the sign is:
  - (i) exhibited on the day the **property** which is the subject of the sign is open for inspection or auctioned;
  - (ii) exhibited either on the **nature strip** in front of the **property** for sale or a sign on the **nature strip** at either end of the street the **property** is for sale;
  - (iii) removed within one hour of completion of the open for inspection or auction; and
  - (iv) placed 750mm from the kerb and allows at least 1.2m space between the placement of the sign and the **property** boundary for pedestrian access.

**Penalty: 10 Penalty Units**

#### 4.7 Vehicle Advertising

A **person** must not leave a **vehicle** standing on any **road** or in any **public place** if the **vehicle** is left there for the sole purpose of advertising goods or services.

**Penalty: 10 Penalty Units**

#### 4.8 Advertising signs

- (a) Unless specifically authorised under the **Planning Scheme**, a **person** must not:
  - (i) exhibit, place out for exhibition, allow to be exhibited, or placed out for exhibition, any **advertising sign** on any **road** or in any **public place**; or
  - (ii) hang, place or affix any **advertising sign** on or between any part of a building, plant, pole, post or any other structure or allow that to occur.

#### Penalty: 10 Penalty Units

- (b) Clause 4.8(a) does not apply to signs used to advertise 'garage sales', provided that the sign:
  - (i) does not impact on safe pedestrian and **vehicle** movements and methods of protecting pedestrians and **vehicles**;
  - (ii) is not affixed to a tree;
  - (iii) is removed within one hour of the completion of the garage sale; and
  - (iv) is no larger than 1.2 metres high by 0.75 metres wide.

#### 4.9 Electoral signage

- (a) A **person** must not, without a **permit**, in or on any **road** or **public place**, place out **electoral signage**.

#### Penalty: 10 Penalty Units

- (b) Clause 4.9(a) does not apply to any authorised sign which is placed out on the day of the election for the sole purpose of advertising the location of a voting centre.

#### 4.10 Planning Scheme

To the extent necessary, this part gives effect to the exemption set out in clause 62 of the Planning Scheme.

## Part 5 – Activities in Public Places

### 5.1 Purpose

The purpose of this Part is to:

- (a) manage and facilitate the responsible use of **roads, Council land and public places** for public use and entertainment;
- (b) increase the attractiveness and comfort of these places by controlling the soliciting of gifts and money and other behaviour in **public places**; and
- (c) protect the safety and amenity of **public places** for the proper enjoyment of **residents**.

### 5.2 Street Collections

A **person** must not on any **road, Council land** or in any **public place**:

- (a) solicit or collect a gift of money or subscription; or
- (b) cause or authorise another **person** to do so;

in such a manner that:

- (i) the safety of any **person** or the passage of **vehicles** will be affected;
- (ii) the activity will disturb, annoy or disrupt adjacent **owners** or **occupiers** of any **property** or any **person**;
- (iii) the activity will unfairly impact a **fixed business** selling, offering or displaying goods for sale that are similar to those offered by the **person**; or
- (iv) the activity will be detrimental to the amenity of the area in which the **road, Council land** or **public place** is located.

**Penalty: 5 Penalty Units**

### 5.3 Processions, Street Festivals and Street Parties

A **person** must not, without a **permit**, on any **road, Council land** or in any **public place** hold or allow to be held or participate in a:

- (a) **street party**;
- (b) **street festival**;
- (c) street market;
- (d) event; or
- (e) **procession**.

**Penalty: 5 Penalty Units**

#### **5.4 Filming**

A **person** must not, without a **film permit**, on any **road** or **Council land** or in any **public place** conduct or cause to be conducted any filming for a **commercial** purpose.

**Penalty: 5 Penalty Units**

#### **5.5 Camping in Public Places**

- (a) A **person** must not **camp** in any **public place** in a **vehicle**, tent or **caravan** or in any temporary or provisional form of accommodation unless in an area **prescribed**.

**Penalty: 5 Penalty Units**

- (b) Clause 5.5(a) does not apply to a **person** who **camp**s in an area due to an elevated risk, threat of bushfire or severe weather event.

## Part 6 – Obstructions on Roads, Council Land and Public Places

### 6.1 Purpose

The purpose of this Part is to enhance the appearance and ensure the accessibility of streets, **pavements** and **public places** and to regulate and control:

- (a) the protrusion of verandas and awnings into the airspace above **pavements**; and
- (b) the deposit of specified containers and bins on **roads, Council land** and in **public places**.

### 6.2 Protruding Materials

An **owner** or **occupier** of **premises** must not attach, or allow to be attached, to any veranda or awning which forms part of the **premises**, a banner, flag, bunting or like decoration in a manner that:

- (a) impacts adversely on safe pedestrian and/or **vehicle** movements and methods of protecting pedestrians and **vehicles**; or
- (b) impacts adversely on the amenity of the area in which the **premises** are located.

**Penalty: 10 Penalty Units**

### 6.3 Bulk Rubbish Containers and Storage Containers

A **person** must not, without a **permit**, place, or authorise to be placed, a **bulk rubbish container** or **storage container** on any **road, Council land** or in any **public place**.

**Penalty: 10 Penalty Units**

### 6.4 Clothing Bins

A **person** must not, without a **permit**, place a **charity clothing bin** on any **road** or **Council land**.

**Penalty: 10 Penalty Units**

### 6.5 Closed Roads

A **person** must not, without a **permit**, drive or cause to be driven a **vehicle** on or onto any **road, bridge, or culvert** or part of a **road, bridge or culvert** which has been closed to **vehicles** in accordance with the **Act**.

**Penalty: 10 Penalty Units**

## Part 7 – Consumption of Alcohol

### 7.1 Purpose

The purpose of this Part is to control the consumption of **alcohol** on **Council land** and in **public places** in the **municipal district**.

### 7.2 Consumption and possession of Alcohol

- (a) A **person** must not in or on a **road** or **Council land** or in a **public place**, or within a **motor vehicle** which is in a **public place**:
- (i) consume any **alcohol**; or
  - (ii) possess or control any **alcohol** other than **alcohol** in a sealed container;

in any part of the **municipal district**.

#### Penalty: 20 Penalty Units

- (b) Clause 7.2(a) does not apply to:
- (i) a **person** taking part in a festival or event:
    - being conducted by **Council**;
    - in respect of which a relevant **statutory authority**, **Council** or an **authorised officer** has previously issued the relevant **permit** to the festival or event organiser; or
  - (ii) a **person** who is part of a gathering with family or friends within a **reserve**, providing their presence is not detrimental to the area in which the **person** is located.
- (c) Where an **authorised officer** believes on reasonable grounds that a **person** is contravening or has contravened clause 7.2(a), the **authorised officer** may direct the **person** to seal any container or dispose of the contents of any unsealed container.
- (d) A **person** who fails to obey a **direction** of an **authorised officer** under clause 7.2(c) is guilty of an **offence**.

#### Penalty: 10 Penalty Units

## Part 8 – Noise Control

### 8.1 Purpose

The purpose of this Part is to enable an **authorised officer** to control noise which constitutes a **nuisance** to any other **person**.

### 8.2 Objectionable Noise

A **person** must not make, cause or allow to be made any sound or noise which constitutes a **nuisance**.

**Penalty: 10 Penalty Units**

### 8.3 Burglar Alarms

- (a) An **authorised officer** may direct an **owner** or **occupier** of **premises** on which a faulty burglar alarm exists to disconnect the burglar alarm until the fault has been rectified.
- (b) An **owner** or **occupier** of **premises** to whom a **direction** is given under clause 8.3(a) must comply with that **direction**.

**Penalty: 10 Penalty Units**

- (c) A **person** must not allow an audible burglar alarm to be located on any **residential premises** or any industrial, **commercial** or trade **premises** or fitted to any **vehicle** unless the alarm, once activated, is automatically switched off within ten (10) minutes of being activated and cannot reactivate until it has been reset.

**Penalty: 10 Penalty Units**

### 8.4 Amplified Sound Equipment

- (a) A **person** must not use or allow or suffer to be used any sound amplifying equipment or the like from a **vehicle** on a **road** or **Council land** or in a **public place** to a level that the noise is, objectionable, constitutes a **nuisance** to any other **person** or interferes with the reasonable enjoyment of the nearby area by others.

**Penalty: 10 Penalty Units**

- (b) An **owner** or **occupier** of industrial, **commercial** or trade **premises** must ensure that any external amplified telephone, door type bells or public address system from such industrial, **commercial** or trade **premises** is or are not audible within a habitable room of **residential premises** between 6:00pm and 9:00am.

**Penalty: 10 Penalty Units**

### **8.5 Recreational vehicles**

A **person** must not use or allow to be used a **recreational vehicle** on any **private land** in a manner that constitutes a **nuisance** or a risk to the safety of any other **person**.

**Penalty: 10 Penalty Units**

### **8.6 Deliveries to shops, supermarkets and service stations**

An **owner** or **occupier** of a shop, supermarket or service station must ensure that deliveries from such **commercial** or trade **premises** are not audible within a habitable room of **residential premises** outside the following hours:

- (a) 7:00am – 10:00pm Monday to Saturday; and
- (b) 9:00am – 10:00pm Sundays and public holidays.

**Penalty: 10 Penalty Units**



## Part 9 – Scareguns

### 9.1 Purpose

The purpose of this Part is to regulate and control the use of **scareguns** within the **municipal district** in a manner that prevents their use being detrimental to the environment or to the quality of life of the community.

### 9.2 Use of Scareguns

A **person** must not use or allow or authorise another **person** to use a **scaregun** unless all of the following are satisfied:

- (a) the **scaregun** is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period;
- (b) the **scaregun** is positioned on **farm land**;
- (c) the distance in a straight line between the **scaregun** and **residential premises** on **another property** is 300 metres or greater;
- (d) the distance in a straight line between the **scaregun** and another **scaregun** in use (whether located on the same **property** or on **another property**) is 150 metres or greater;
- (e) the **scaregun** is only used between 7:00am and sunset on any day but for not more than 12 hours in total on any day;
- (f) the maximum noise level of the **scaregun** when measured immediately in front of a **residential premises** on another **property** is 100dB LIN peak or lees;
- (g) the **scaregun** does not emit more than the number or exceed the regularity of blasts in any one day period than the number set out in clause 9.3(a); and
- (h) the number of **scareguns** in use at any one time on the **property** does not exceed the number set out in clause 9.4.

**Penalty: 5 Penalty Units**

### 9.3 Frequency of Blasts

For the purposes of clause 9.2(g):

- (a) the number and regularity of blasts in any one day period is as follows:
  - (i) in the case of a single blast **scaregun**, 70 blasts, with the time between blasts to be no less than six minutes;
  - (ii) in the case of a multiple blast **scaregun**, 70 blasts, with:
    - the time between blast sequences being no less than 6 six minutes; and

- the time between the first blast of a sequence and the last blast of a sequence being no more than one minute.
- (b) each blast in a sequence from a multiple blast **scaregun** must be counted as one blast.

#### **9.4 Number of Scareguns**

For the purposes of clause 9.2(h) the number of **scareguns** in use at any one time on the property is as follows:

- (a) where the area under crop is four hectares or less – one **scaregun**;
- (b) where the area under crop is more than four hectares and less than ten hectares – two **scareguns**; and
- (c) where the area under crop in ten hectares or more – three **scareguns**.

## Part 10 – Asset Protection

### 10.1 Purpose

The purpose of this Part is to:

- (a) protect **public assets** from damage during **building work**;
- (b) protect the amenity of the surrounding area; and
- (c) prevent damage or detriment to **properties** and **residents**.

### 10.2 Notice of intention to undertake building work

- (a) An **owner** or **appointed agent** must not commence or allow or authorise another **person** to commence **building work** on the **land** of the **owner** unless notice is given to **Council** in accordance with this clause.

#### Penalty: 20 Penalty Units

- (b) Notice of the proposed **building work** must be given to **Council** no less than 21 days before the **building work** commences.
- (c) The notice must be in writing and may, if **Council** so requires, take the form of an asset protection application form.
- (d) The notice must include:
  - (i) the **owner's** name or, if more than one **owner**, the names of an **owner** nominated for the purposes of this clause;
  - (ii) the **owner's** residential address or, if more than one **owner**, the nominated **owner's** residential address;
  - (iii) an address for the service or posting of notices;
  - (iv) if the **owner** wishes to appoint an agent for the service or posting of notices, the name and postal address of the agent;
  - (v) a description of the proposed **building work**, including the estimated costs of the **building work**; and
  - (vi) the address where the **building work** is being conducted.
- (e) Where an **authorised officer** is satisfied that damage to a **public asset** was caused by **building work** carried out on the **owner's land** or is deemed by this clause to have been caused by such **building work**, the **authorised officer** may give the **owner** a **Notice to Comply** directing the **owner** to repair the damage to the satisfaction of **Council** and within the time specified in the notice, which time must be reasonable having regard to:
  - (i) the degree of risk or potential risk;
  - (ii) the amount of work involved;

- (iii) the degree of difficulty;
  - (iv) the availability of necessary materials or other necessary items;
  - (v) climatic conditions; and
  - (vi) any other relevant matter.
- (f) An **owner** to whom a **direction** is given under clause 10.2(e) must comply with that **direction**.

**Penalty: 20 Penalty Units**

### **10.3 Asset Protection Permit**

Where a **permit** is required and gives notice of the determination to the **owner**, the **owner** must not commence or allow **building work** on the **land** until the **owner** obtains a **permit**.

**Penalty: 20 Penalty Units**

## **Part 11– Works within Road Reserves and Easements**

### **11.1 Purpose**

The purpose of this Part is to minimise the impact of works on the amenity of the **municipal district** and its **residents**.

### **11.2 Permits**

A **person** must not, without a **permit**:

- (a) erect a hoarding or overhead protective awning on a **road**;
- (b) construct, remove or alter a temporary or permanent **vehicle crossing**;
- (c) occupy or fence off part of a **road**;
- (d) use a mobile crane, travel tower, lift or tackle on or above a **road**; or
- (e) make a hole in, excavate, damage or remove part of any **road**.

**Penalty: 20 Penalty Units**

### **11.3 Vehicle Crossings**

- (a) An **owner** must not allow any **vehicle** to enter or leave any **land** except by an approved **vehicle crossing**.

**Penalty: 20 Penalty Units**

## Part 12 – Private Premises

### 12.1 Purpose

The purpose of this Part is to provide for:

- (a) protection of the amenity of the **municipal district**;
- (b) regulation and control of activities on, and uses of, **premises**;
- (c) maintenance of the safety and condition of **premises**; and
- (d) regulation of the use of **vehicles** on, or in the vicinity of, **premises**.

### 12.2 Camping

An **occupier of land** must not **camp**, or allow or suffer any other **person** to **camp**, on the **land** in a manner that causes a **nuisance**.

**Penalty: 10 Penalty Units**

### 12.3 Caravans

An **occupier of land** must not live in a **caravan**, or allow or suffer any other person to live in a **caravan**, on the **land** in a manner that causes a **nuisance**.

**Penalty: 10 Penalty Units**

### 12.4 Overhanging or encroaching vegetation

An **owner** or **occupier of land** must not allow any **tree** or part of a **tree** to remain in such manner as to:

- (a) be less than three metres above any **pavement** abutting the **land**;
- (b) encroach over any **road** designed for the **traffic** of **vehicles** to a height less than five metres;
- (c) obstruct or impair the vision of the driver of any **vehicle** travelling along any **road** abutting the **land**;
- (d) create a hazard on any **road**; or
- (e) otherwise prejudice the safe and convenient use of any **road** abutting the **land**.

**Penalty: 10 Penalty Units**

### 12.5 Environmental Weeds

- (a) A **person** must not **sell** or possess for sale any **environmental weed**.

**Penalty: 10 Penalty Units**

- (b) An **owner** or **occupier** of **land** which is 20,000 square metres or less in area must not allow the **land** to support the growth of any **environmental weed**.

**Penalty: 10 Penalty Units**

**12.6 Unsightly land**

- (a) An **owner** or **occupier** of **land** must not cause, allow or suffer the **land** to be **unsightly** and detrimental to the amenity of the neighbourhood in which the **land** is located.

**Penalty: 10 Penalty Units**

- (b) For the purposes of clause 12.6(a), circumstances in which **land** is **unsightly** or detrimental to the amenity of the neighbourhood in which it is located include circumstances in which there is:
- (i) unconstrained rubbish on the **land**;
  - (ii) disused excavations on the **land**;
  - (iii) excessive waste on the **land**;
  - (iv) excessive vegetation, including undergrowth and grass exceeding 300 mm in height, on the **land**;
  - (v) disused machinery or excessive **vehicles** on the **land**;
  - (vi) excessive **noxious weeds** on the **land**;
  - (vii) a building on the **land** that remains partially completed or partially demolished for a period of two hundred and forty (240) days or more;  
or
  - (viii) **graffiti** that remains on a building or other structure on the **land** for more than seven (7) days.

**12.7 Dilapidated buildings**

- (a) An **owner** or **occupier** of **land** must not cause, allow or suffer a building on the **land** to become dilapidated or further dilapidated.

**Penalty: 20 Penalty Units**

- (b) For the purposes of clause 12.7(a), the circumstances in which a building becomes dilapidated or further dilapidated include any of the following circumstances:
- (i) the exterior of any building is in a state of disrepair and has been damaged or defaced so as to:
    - affect the visual amenity of the **land**; or
    - cause the building to be out of conformity with the general standard of appearance of other buildings in the vicinity of the

**land;** and

- (ii) architectural features of the building are not properly maintained.

### **12.8 Dangerous land**

- (a) An **owner** or **occupier** of **land** must not cause, allow or suffer the **land** to be dangerous or likely to cause danger to life or **property**.

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

- (b) For the purposes of clause 12.8(a), circumstances in which **land** is dangerous, or likely to cause danger to life or **property**, include, but are not limited to, circumstances in which:
  - (i) except where allowed under the **Planning Scheme**, there exists on the **land** any substance, materials, **tree** or equipment that is dangerous, or is likely to cause danger to life or **property**; or
  - (ii) an unsecured hole or excavation exists on the **land**.

### **12.9 Fireworks**

A **person** must not, without a **permit**, light or cause to be lit any fireworks on any **land**.

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



## Part 13 – Animals

### 13.1 Purpose

The purpose of this Part is to provide for the:

- (a) protection of the amenity of the **municipal district**;
- (b) control of the number, type and behaviour of **animals** kept on **land**;
- (c) protection, as far as possible, of the health and welfare of **animals**;
- (d) prevention against **animals** causing:
  - (i) a **nuisance**; or
  - (ii) any adverse environmental impact; or
  - (iii) a danger to the safety of people or to the condition of **land**.

### 13.2 Number of animals

Except as otherwise provided in this Local Law, a **person** must not, without a **permit**, keep on **land** any more in number of each type of **animal** or groups of **animals** than is set out in *Table 1*.

**Penalty: 10 Penalty Units**

*Table 1*

Animal type	Land area		
	Up to 2,000 sq m	Over 2,000 to 4,000 sq m	Over 4,000 sq m
Cats	2	2	2
Dogs	2	3	4
Roosters	<b>Permit required</b>	<b>Permit required</b>	<b>Permit not required</b>
Poultry	<b>Permit not required</b>	<b>Permit not required</b>	<b>Permit not required</b>
Sheep and goats	<b>Permit required</b>	<b>Permit not required</b>	<b>Permit not required</b>
Llamas, donkeys, alpacas, pigs, cattle, ponies, horses and mules	<b>Permit required</b>	<b>Permit required</b>	<b>Permit not required</b>

Clause 13.2 does not apply where the **land** is allowed to be used for the purposes of domestic **animal** boarding, domestic **animal** husbandry, **animal breeding** or a pet shop under the **Planning Scheme** and the **land** is being used for that purpose.

### 13.3 Litters of animals

For the purpose of calculating the maximum number of **animals** specified in *Table 1*, the progeny of any **animal** kept on the **land** will not be counted for a period of 12 weeks after birth.

### 13.4 Animal enclosures

An **owner** or **occupier** of **land** must keep any **animal** on the **land** which is ordinarily housed in a kennel, house, aviary, shelter or in an enclosure which:

- (a) is constructed to the satisfaction of an **authorised officer**;
- (b) prevents, as far as practicable, the wandering or escape of such **animal** beyond the boundaries of the **land**;
- (c) meets the welfare needs of the **animal**;
- (d) is capable of being readily cleaned;
- (e) is maintained in good repair at all times; and
- (f) is located at a distance from dwellings on other **properties** to the satisfaction of the **authorised officer**.

**Penalty: 10 Penalty Units**

### 13.5 General provisions

- (a) An **occupier** of any **land** who keeps any **animal** on the **land** must:
  - (i) keep the ground surrounding any kennel, house, aviary, shelter or other enclosure where the **animal** is kept well drained;
  - (ii) keep the **land** within three (3) metres of any kennel, house, aviary, shelter or other enclosure in which the **animal** is kept free of dry grass, weeds, refuse, waste or other material capable of harbouring rats or other vermin;
  - (iii) keep all food for consumption by the **animal** in a vermin proof receptacle;
  - (iv) ensure that all manure, excrement, refuse or rubbish produced or accumulated by the **animal** is:
    - removed at least weekly or as soon as is reasonably practicable after it is produced;
    - disposed of in a responsible manner that will not cause a **nuisance** to **occupiers** of neighbouring **properties**;
  - (v) maintain any kennel, house, aviary, shelter or other enclosure where the **animal** is kept in a clean and sanitary condition;
  - (vi) keep the **animal** in a manner that does not cause an offensive odour;

- (vii) prevent wastewater from entering the stormwater system, or discharging onto adjoining **properties**; and
- (viii) destroy any **animal** or bird suffering from any infectious disease communicable to human beings and immediately notify **Council's** Environmental Health Officer of the infectious disease.

**Penalty: 10 Penalty Units**

- (b) An **owner** or **occupier** of **land** must not construct or allow to be constructed on the **land** any enclosure in which **poultry** or pigeons are kept, or intended to be kept, within six (6) metres of a dwelling on other **land**.

**Penalty: 10 Penalty Units**

- (c) An **occupier** of **land** on which any **animal** is kept must not cause, allow or suffer excrement or manure to escape from the **land**.

**Penalty: 10 Penalty Units**

- (d) A **person** who keeps any **animal** must keep the **animal** in a manner that does not cause a **nuisance** to any **person**.

**Penalty: 10 Penalty Units**

- (e) For the purposes of clause 13.5(d), circumstances in which the keeping of an **animal** constitutes a **nuisance** may include circumstances in which:
  - (i) the **animal** makes noises or produces odours that unreasonably adversely affect the peace, comfort or convenience of any **person** on any other **land**; and
  - (ii) the **animal** produces an unreasonable accumulation of excrement, whether on the **land** on which it is kept or on any other **land**.
- (f) Whenever an **animal** is in or on a **road** or in a **public place**, the **owner** or **person** in control of the **animal** must possess the means for the effective collection and removal of any excrement that may be deposited by the **animal**.

**Penalty: 5 Penalty Units**

- (g) The **owner** or **person** in control of an **animal** must immediately collect and remove all excrement deposited by the **animal** in or on a **road** or in a **public place**.

**Penalty: 5 Penalty Units**

### **13.6 Pest and Stray Animals**

A **person** must not feed or encourage the presence of pest **animals**, stray **animals**, wild birds, foxes or allow any such **animals** access to food.

**Penalty: 5 Penalty Units**

### 13.7 Bees and wasps

- (a) An **owner** or **occupier** of **land** who keeps or allows bees to be kept on that **land** must do so in accordance with the *Apiary Code of Practice*.

#### Penalty: 10 Penalty Units

- (b) Clause 13.7(a) does not apply to a **person** who keeps or allows bees to be kept on the **land** where a planning permit has been issued for such use.
- (c) An **owner** or **occupier** of any **land** must, upon becoming aware of the existence of an **unmanaged honeybee swarm** on that **land**, take reasonable steps to cause the removal of that **unmanaged honeybee swarm**.

#### Penalty: 10 Penalty Units

- (d) An **owner** or **occupier** of **land** must not allow or suffer any bees on the **land** to cause a **nuisance** to any **person**.

#### Penalty: 10 Penalty Units

- (e) An **owner** or **occupier** of **land** must not allow or suffer English wasps or European wasps to nest on the **land**, and, upon becoming aware of the existence of a wasp nest on the **land**, must take reasonable steps to cause the nest to be destroyed.

#### Penalty: 10 Penalty Units

- (f) An **owner** or **occupier** of any **land** must not allow or suffer any feral European honey bees on the **land** to cause, or be likely to cause, a **nuisance** to any **person**.

#### Penalty: 10 Penalty Units

### 13.8 Effective Confinement of Livestock

- (a) An **owner** of a **farm animal**, or an **owner** or **occupier** of **land** on which a **farm animal** is kept, must securely fence the **land**, or tether the **farm animal**, in such a manner as to prevent its wandering or escape beyond the boundaries of the **land**.

#### Penalty: 10 Penalty Units

- (b) Where **land** is fenced, the **owner** or **occupier** of the **land** on which a **farm animal** is kept must ensure that fences on the **land**, including gates, are maintained in good repair.

#### Penalty: 10 Penalty Units

- (c) A **person** must not allow any horse, cattle or other livestock **animal** to be at large in any **public place**.

#### Penalty: 10 Penalty Units

### 13.9 Training of Animals

- (a) A **person** must not conduct or carry out, or allow or authorise another **person** to conduct or carry out, any training of an **animal** on **Council land** or in a **public place** in such a manner as to be a danger to the safety of any **person** or to adversely impact on the condition of any **property**, or to interfere with the reasonable use and enjoyment of the **Council land** or **public place** or any part of it.

**Penalty: 5 Penalty Units**

- (b) A **person** must not, without a **permit**, conduct or carry out or allow or authorise another **person** to conduct or carry out, for profit or **commercial** gain any training of an **animal** on **Council land** or in a **public place**.

**Penalty: 5 Penalty Units**

## Part 14 – Control of Building Sites

### 14.1 Purpose

The purpose of this Part is to:

- (a) ensure that **building work** does not damage or encroach onto a **road**, **Council land** or other asset or make it unsafe; and
- (b) protect drains and watercourses from the entry of building materials, dirt, mud, rubbish or litter.

### 14.2 Building Sites

Where any **building work** is undertaken the **owner** of the **land** on which the **building work** is undertaken and the **person** responsible for the **building work** must ensure that:

- (a) adequate provision is made for the protection of any proximate **road** and **vehicle crossing** from damage caused as a result of the **building work** and from deliveries and movement of materials to or from the **land**;
- (b) provision is made within the **land** on which the **building work** is undertaken to contain all mud, dust, rubbish and litter that may result from the **building work**;
- (c) no building materials, rubbish or litter leaving the **land** is deposited on or finishes up on a **road** or in **Council's** stormwater or other drainage system; and
- (d) no building or other materials are left or **stored** on a **road**, except as provided for in this Local Law.

**Penalty: 20 Penalty Units**

### 14.3 Access to a Building Site

Where any **building work** is undertaken the **owner** of the **land** on which the **building work** is undertaken and the **person** responsible for the **building work** must ensure that:

- (a) the driver of any **vehicle** involved in delivering or receiving goods or equipment to or from the **land** where the **building work** is being undertaken or is to be carried out; and
- (b) any demolition contractor engaged to carry out the demolition of a structure on the **land**, in the case of **building work** involving demolition

can access the **building site** in accordance with the conditions of a **permit** or across a temporary **vehicle crossing** where the **permit** fails to specify how access to the **building site** is to occur.

**Penalty: 20 Penalty Units**

#### 14.4 Damage to or deposit of material on a Road

- (a) A **person** must not allow soil, gravel, sediment, concrete, debris or other material to be washed onto or otherwise deposited or placed on a **road** from any **building site** or other **land**.

#### Penalty: 20 Penalty Units

- (b) Where **building work** or related activities result in:
  - (i) damage to a **road**; or
  - (ii) building residue, concrete, dirt or mud being left on or finishing up on a **road** or entering **Council's** stormwater or other drainage system or any watercourse

the **owner** of the **land** on which the **building work** is undertaken, and the **person** responsible for the **building work** must carry out reinstatement works or clean up the **road** or drainage system to the satisfaction of an **authorised officer**.

#### Penalty: 20 Penalty Units

#### 14.5 Building Work limited to certain times

Except in a case of emergency, an **owner** or **occupier** of any **land** must not cause or allow any **building work** to be carried out except between:

- (a) 7.00am and 8.00pm Monday to Friday; or
- (b) 9.00am and 7.00pm on any Saturday, Sunday or public holiday.

#### Penalty: 20 Penalty Units

#### 14.6 Building Work on Dwellings

Notwithstanding clause 14.5, a **person** may carry out or cause to be carried out **building work** on a dwelling or **land** associated with a dwelling if the **building work** is carried out between:

- (a) 7.00am and 8.00pm Monday to Friday; or
- (b) 9.00am and 8.00pm on any Saturday, Sunday or public holiday

and the **person**:

- (c) is the **owner** or **occupier** carrying out the **building work** for themselves and no other **person** is engaged or employed for **fee** or reward; and
- (d) is complying with, or observing any **direction**, notice or order of **Council**, an **authorised officer** or a **statutory authority**.

#### 14.7 Minor Building Work

A **person** may carry out minor **building work** on a dwelling or **land** associated with a dwelling at times other than those specified in clause 14.6 provided that any **nuisance** caused by the **building work** does not affect any **person** on or within any other **land** or dwelling.

#### 14.8 Building Work creating a nuisance

A **person** must not carry out any **building work** or cause or allow to be carried out any **building work** so as to create a **nuisance** to another **person**.

**Penalty: 20 Penalty Units**

#### 14.9 Building Work affecting Roads

- (a) Where any **building work** affects or is likely to affect the passage of **vehicles** or pedestrians along a **road**, the **owner** or **occupier** of the **land** on which the **building work** is or is to be undertaken must obtain a **permit** for the erection of a hoarding, or other barrier approved by an **authorised officer**, to protect **persons** using the **road** before such **building work** commences.
- (b) The **owner** or **occupier** of the **land** described in this clause must not, without **permit**, commence such **building work** or cause such **building work** to be commenced.

**Penalty: 20 Penalty Units**

#### 14.10 Direction to cease Building Work

- (a) An **authorised officer** may orally or in writing, direct any **person**:
  - (i) found carrying out **building work** in contravention of this Local Law or a **permit**; or
  - (ii) in charge of **land** where **building work** is being or suspected of being undertaken in contravention of this Local Law or a **permit**to cease carrying out **building work** immediately or within any period the **authorised officer** deems reasonable.
- (b) Any **person** who fails to comply with a **direction** given under clause 14.10(a) is guilty of an **offence**.

**Penalty: 20 Penalty Units**



## Part 15– Parking Permit Schemes

### 15.1 Purpose

The purpose of this Part is to:

- (a) provide for the fair and equitable use of available parking space on a **road** or **Council land**;
- (b) provide parking schemes to encourage a turnover of **vehicle** parking in business areas for the benefit of customers and businesses; and
- (c) protect the safety of **persons**.

### 15.2 Parking Schemes

**Council** may, from time to time by resolution, introduce a permit parking scheme which:

- (a) exempts any **vehicle** of a **resident** or specified **person** or specified class of **person** from the restrictions of time limited parking; or
- (b) prohibits parking in **prescribed** areas by **persons** other than a **permit holder**.

## Part 16 – Waste Disposal

### 16.1 Purpose

The purpose of this Part is to:

- (a) ensure the safe and efficient collection of rubbish, waste and recyclables placed on a **road** for collection; and
- (b) prevent and regulate the deposit of refuse and rubbish upon streets and other **land** and places under the control of **Council**.

This Part does not apply to litter within the meaning of section 4(1) of the *Environment Protection Act 1970*.

### 16.2 Regulation of Deposit of Waste

A **person** must not deposit or leave any waste:

- (a) on any **road**, **Council land** or in any **public place** unless it is deposited in a trade waste bin or receptacle designed or adapted to receive such waste; or
- (b) on someone else's hard waste pile, unless the **person's property** is required to utilise a **Council** approved collection point.

**Penalty: 10 Penalty Units**

### 16.3 Placement of rubbish for collection

- (a) An **occupier** of **land** must ensure that all rubbish, hard, waste, recyclable and other waste materials which the **occupier** places out on a **road** for collection is placed out in accordance with the **Council's** Waste Services requirements as advertised on **Council's** website.

**Penalty: 5 Penalty Units**

- (b) An **occupier** of **land** to which **Council** has supplied a waste, recyclable or organic receptacle must not leave the receptacle outside the **land** before or after a collection day so as to create a **nuisance**.

**Penalty: 5 Penalty Units**

- (c) Clause 16.3(b) does not apply to:
  - (i) receptacles left for collection at common collection points where properties are not accessible by a waste collection **vehicle**;
  - (ii) **properties** where the driveway is steep;
  - (iii) where, due to age, infirmity or a disability, the **owner** or **occupier** is unable to move the receptacle without ease or assistance; or
  - (iv) **commercial premises** where there is inadequate space to store receptacles.

#### **16.4 Interference with collection**

A **person** must not remove or interfere with any rubbish or recyclables placed out for collection in accordance with this Local Law except that an **occupier of land** may recover before collection any material the **person** has placed out or caused to be placed out for collection.

**Penalty: 10 Penalty Units**

#### **16.5 Council supplied Waste Receptacles**

- (a) All approved receptacles are the **property of Council** and must, subject to this Local Law, remain within the **land** to which it was provided at all times.
- (b) It is an **offence** for any **person** to remove any approved receptacle that is the **property of Council** from the **land** to which it was supplied unless allowed to do so by this Local Law.

**Penalty: 3 Penalty Units**

- (c) An **occupier of land** to which **Council** has supplied an approved receptacle must use the approved receptacle only for the purpose for which it has been provided and must keep such waste receptacle in a clean, sanitary and inoffensive condition.

**Penalty: 3 Penalty Units**

#### **16.6 Prohibited use of Waste Receptacles**

A **person** must not:

- (a) place, or allow to be placed, any **prescribed** items in any approved receptacle; or

**Penalty: 5 penalty units**

- (b) place household rubbish or recyclable waste into an approved receptacle that exceeds a total weight which cannot be mechanically emptied by **Council's** collection **vehicles**.

**Penalty: 3 Penalty Units**

#### **16.7 Infectious Waste**

A **person** must ensure that infectious waste is placed in a container specifically designed to receive such waste.

**Penalty: 5 Penalty Units**

#### **16.8 Interference with Hard Garbage**

A **person** must not, for **commercial** purposes, remove or interfere with any hard garbage left out on a **road** or in any other **public place** for collection by or on behalf of **Council**.

**Penalty: 5 Penalty Units**

## Part 17 – Trade Wastes

### 17.1 Purpose

The purpose of this Part is to ensure that **occupiers of commercial and industrial premises** store, manage and dispose of waste (including liquid and food waste) in an appropriate manner.

### 17.2 Occupiers must provide suitable waste storage containers

An **occupier of commercial or industrial premises** must provide a container for the storage of trade wastes which is:

- (a) constructed of impervious materials, water-tight and pest proof;
- (b) emptied before it overflows; and
- (c) maintained and kept in a clean condition.

**Penalty: 20 Penalty Units**

### 17.3 Storage of Liquid Trade Waste

The **occupier** of every **commercial and industrial premises** that stores liquid trade waste must ensure that **storage containers** are:

- (a) constructed of impervious materials;
- (b) maintained in a clean condition;
- (c) in sufficient numbers to contain all the waste produced;
- (d) fitted with a suitably sized funnel when manual filling of the container takes place;
- (e) stored under cover when directed by an **authorised officer**;
- (f) secured within an enclosure constructed and maintained to the satisfaction of an **authorised officer**;
- (g) stored within an area designed and constructed to prevent the escape of waste;
- (h) stored in such a manner that it cannot contaminate or enter the stormwater system;
- (i) located so as to enable the recovery of spilt material; and
- (j) supplied with such equipment as will enable the clean-up of spilt material.

**Penalty: 20 Penalty Units**

#### **17.4 Collection of Trade Waste**

- (a) A **person** must not collect, cause or allow to be collected any industrial or **commercial** trade waste or recyclable materials if that collection creates unreasonable noise or affects the amenity of the area except between:
  - (i) 6:00am and 8:00pm Monday to Saturday; or
  - (ii) 9:00am and 8:00pm on any Sunday or public holiday.

**Penalty: 20 Penalty Units**

## Part 18 – Use of Council Land and Municipal Buildings

### 18.1 Purpose

The purpose of this Part is to:

- (a) enable **persons** to enjoy the use of **Council land** and **municipal buildings** without **nuisance** or disturbance;
- (b) protect the safety of **Council land** users and the amenity of the **municipal district**; and
- (c) regulate the use of **Council land**.

### 18.2 Other activities that require a permit

While on **Council land**, a **person** must not, without a **permit**:

- (a) hold any circus, carnival fair or event or erect any temporary shelter; or
- (b) operate or cause to be operated any amusement or form of gambling for which a charge or **fee** is made or implied.

**Penalty: 10 Penalty Units**

### 18.3 Prohibited activities on Council Land

While on **Council land**, a **person** must not:

- (a) act contrary to a sign displayed by or on behalf of **Council**;
- (b) endanger any other **person** or **persons** using the **Council land**;
- (c) ride or otherwise use any **animal** so as to cause a **nuisance**;
- (d) drive or otherwise use any **motor vehicle** or **recreational vehicle**;
- (e) light any fire or allow any fire to remain alight, except in a **barbeque** or for the purpose of conducting an indigenous smoking ceremony or a recognised religious ceremony or rite.

**Penalty: 10 Penalty Units**

## Part 19 – Prohibition on Smoking

### 19.1 Purpose

The purpose of this Part is to promote health and wellbeing by prohibiting smoking:

- (a) at certain events, including events organised or sponsored by **Council**; and
- (b) in or around buildings on **Council land**.

### 19.2 Interpretation

In this Part:

“**Smoke**” has the same meaning as in the *Tobacco Act 1987*.

### 19.3 Smoking on Council Land

A **person** must not **smoke**:

- (a) inside a building on **Council land**;
- (b) within 12 metres of the entrance to a building on **Council land**; or
- (c) within 12 metres of a building on a **reserve** located on **Council land**.

**Penalty: 5 Penalty Units**

## Part 20 – Open Air Burning

### 20.1 Purpose

The purpose of this Part is to

- (a) control **open air burning, incinerators** and other devices in different areas and on particular days for **fuel reduction** and fire prevention purposes;
- (b) control certain fire-related activities and unwanted consequences; and
- (c) protect, as far as possible, the air quality and visual amenity of the **municipal district**.

### 20.2 Open Air Burning Categories

- (a) This Local Law divides the **municipal district** into three (3) **open air burning** categories entitled:
  - (i) **Open Air Burning – Urban Category**;
  - (ii) **Open Air Burning – Bushland Category**; and
  - (iii) **Open Air Burning – Rural Category**.
- (b) Each **property** within the **municipal district** is within a category and the onus is on each **owner** or **occupier** to know to which category their **property** belongs and to comply with the relevant **open air burning** restrictions set out in this Local Law.
- (c) The three **open air burning** categories' prohibitions, controls and other conditions are shown in **Schedule 2**, and **Open Air Burning** Category Maps are attached (which are current at the date on which this Local Law is made).
- (d) The **Open Air Burning** Category Maps must be available on **Council's** website for inspection at **Council's** principal office.
- (e) **Council** may from time to time alter the category applicable to any **property**.
- (f) If the category applicable to a **property** alters **Council** must ensure there is a corresponding alteration to the **Open Air Burning** Category Maps.

**Explanatory note:** *The three **Open Air Burning** Categories are separate to and should not be confused with the zones and overlays of the **Planning Scheme**.*

### 20.3 Open Air Burning Offences

- (a) A **person** must not, without a **permit**, engage in **open air burning** or use an **incinerator** other than in accordance with this Local Law.

**Penalty: 10 Penalty Units**



- (b) A **person** must not burn **offensive material**.

**Penalty: 5 Penalty Units**

- (c) A **person** must not have on a **property**, a fire or **windrow** that:
- (i) is a danger to any **person** or neighbouring **property** before, during or after burning;
  - (ii) is burnt without adequate attendees, tools and an **adequate water supply** available to control the fire or **windrow** and prevent it spreading or escaping at all times; or
  - (iii) is burnt without prior notification to the **ESTA** and reasonable attempts have been made to notify neighbouring landowners or **occupiers**.

**Penalty: 10 Penalty Units**

- (d) A **person** must not engage in **open air burning** or use an **incinerator** so as to cause a **smoke hazard** or **offensive smoke**.

**Penalty: 5 Penalty Units**

- (e) A **person** must:
- (i) except on **land** in the *Open Air Burning – Rural Category*, extinguish an **open air** fire or **incinerator** before leaving it unattended; and
  - (ii) immediately extinguish any fire or burning substance when instructed to do so by an **authorised officer**, or by a member of the **CFA, MFB** or Victoria Police.

**Penalty: 10 Penalty Units**

- (f) A **person** must not light a fire, allow the lighting of a fire, or allow a fire to continue to burn, on **Council land** unless the **person** has been issued with a **permit** to burn by **Council**, an **authorised officer**, the **CFA, MFB** or another emergency service or relevant **statutory authority**.

**Penalty: 10 Penalty Units**

**20.4 Exemptions**

- (a) The following exemptions apply:
- (i) in relation to clause 20.3(a):
    - a **barbeque** or a **manufactured fireplace** designed and used for the purpose of outdoor cooking, heating or comfort, except where a total fire ban or other restrictions apply. This exemption for a **barbeque** or **manufactured fireplace** ceases immediately if **offensive material** is burnt or if **offensive smoke** or a **smoke hazard** is caused;

(ii) in relation to clause 20.3(f):

- a **barbeque** or a **manufactured fireplace** constructed, provided or otherwise approved by **Council** for the purpose of outdoor cooking heating or comfort, except where a total fire ban or other restrictions apply. This exemption for a **barbeque** or **manufactured fireplace** ceases immediately if **offensive material** is burnt or if **offensive smoke** or a **smoke hazard** is caused; and

(iii) in relation to all of clause 20.3:

- a fire lit by a member of **Council** staff, a **CFA officer** or member, or an employee of the **MFB**, the **DELWP**, Parks Victoria or other relevant **statutory authority** in the course of their functions and duties.

## 20.5 Changing categories

- (a) An **owner** or **occupier** of a **property** may apply to **Council** for a change to the **open air burning** category that applies to their **property** or for an exemption from any clause of this Local Law.
- (b) Where an application is made under clause 20.5(a), **Council** may require the **applicant** to provide such information as it considers necessary for determining the application.
- (c) An **owner** or **occupier** of a **property** who is aggrieved by a decision not to change the **open air burning** category applicable to the **property** may apply to appeal the decision made for consideration by **Council**.
- (d) A **person** who deliberately makes any false representation or declaration (whether oral or in writing) in an application made under clause 20.5(a) is guilty of an **offence**.

**Penalty: 5 Penalty Units**

## Part 21 – Short Stay Accommodation

### 21.1 Purpose

The purpose of this Part is to provide for:

- (a) protection of the amenity of the **municipal district**; and
- (b) the imposition of obligations on **owners of land** who conduct a business of **short stay accommodation**.

### 21.2 Owner Liability

An **owner of land** who allows the **land** to be used for **short stay accommodation** is guilty of an **offence** if, during any period of 12 months, three or more complaints which are made in good faith are received by **Council** to the effect that:

- (a) **persons** on the **land** have caused a **nuisance**; or
- (b) **persons** on the **land** are demonstrating anti-social behaviour that has unduly interfered with the use and enjoyment of another **residential premises**.

**Penalty: 20 Penalty Units**

## Part 22 – Damage to Public Assets

### 22.1 Purpose

The purpose of this Part is to:

- (a) protect **Council** controlled or managed **public assets** from unauthorised interference; and
- (b) protect environmental assets, including **trees**, from damage.

### 22.2 Interfering with, Damaging or Destroying Public Assets

A **person** must not:

- (a) interfere with any **public asset**, unless with the prior written authority of the **Council** or an **authorised officer**;
- (b) damage or destroy any **public asset**; or
- (c) allow **trees** or plants including root structure, on **private land**, to cause damage to, or interference with, any **road, Council land** or **public asset**.

**Penalty: 20 Penalty Units**

### 22.3 Nature Strip Landscaping

A **person** must not, unless in compliance with any policy, procedure or guidelines relating to the landscaping of **nature strips** adopted by **Council**:

- (a) remove any grass;
- (b) plant **noxious** or **environmental weeds** or any shrub or plant;
- (c) construct any hard landscaping; or
- (d) place any structure to prevent access to another **person** or **vehicle**;

on a **nature strip**.

**Penalty: 10 Penalty Units**

## Part 23– Permits

### 23.1 Purpose

The purpose of this Part is to provide for the issue of **permits**.

### 23.2 Application for a Permit

Unless determined otherwise by an **authorised officer**, an application for a **permit** must contain any information specified by **Council** and be accompanied by the **appropriate fee**.

### 23.3 Who may issue Permits

**Permits** may be issued by **Council** or an **authorised officer**.

### 23.4 Notice of Application may be required

**Council** or an **authorised officer** may require the **applicant** to give notice of the application to **persons** who may be affected by the grant of the **permit**, which will entitle those **persons** to make a submission which must be considered by **Council** or an **authorised officer** before a decision is made whether to grant the **permit**.

### 23.5 Power to obtain necessary information

**Council** or an **authorised officer** may require an **applicant** to provide additional information before further considering the application.

### 23.6 Permit may be conditional

- (a) A **permit** may be issued subject to conditions including, but not limited to:
  - (i) the payment of a **fee**, charge or lodgement of a bank guarantee, bond or other form of security;
  - (ii) a standard to be applied;
  - (iii) a time limit to be applied or specifying the duration, commencement or completion date;
  - (iv) the happening of an event;
  - (v) the rectification, remedying or restoration of a situation or circumstance;
  - (vi) where the **applicant** is not the **owner** of the subject **property**, the consent of the **owner**;
  - (vii) the requirement to comply with any policy or guidelines that **Council** has in force from time to time; and

- (viii) the grant of some other **permit** or authorisation which may be required by **Council** or an **authorised officer**, whether under this Local Law or otherwise.
- (b) **Council** or an **authorised officer** may, during the currency of a **permit**, alter the conditions of the **permit** if it is considered it appropriate to do so, after providing the **permit holder** with an opportunity to make comment on the proposed alteration.
- (c) A **permit holder** must comply with the conditions of the **permit**.
- (d) A **person** who fails to comply with any condition of a **permit** is guilty of an **offence**.

**Penalty: 20 Penalty Units**

### **23.7 Duration of a permit**

Except where expressly stated, a **permit** is in force for twelve (12) months after the date it was issued, or until the expiry date indicated on the **permit**, unless it is cancelled earlier.

### **23.8 Cancellation of a permit**

- (a) **Council** or an **authorised officer** may cancel or revoke a **permit** if it or the **authorised officer** considers that:
  - (i) there has been an ongoing breach of the **permit** conditions;
  - (ii) there was an error, concealment of fact or misrepresentation in the application for the **permit**; or
  - (iii) in the circumstances the **permit** should be cancelled.
- (b) Before **Council** or an **authorised officer** cancels or revokes a **permit**, the **permit holder** must, if practicable, be provided an opportunity to make comment on the proposed cancellation.

## **Part 24 – Fees and Charges**

### **24.1 Purpose**

The purpose of this Part is to provide for **Council** to set **fees** and charges payable under this Local Law.

### **24.2 Setting Fees and Charges**

**Council** may determine the **fees**, charges, bank guarantees or bonds to apply under this Local Law, which may include an administrative or processing **fee** or charge.

## Part 25 – Enforcement & Penalties

### 25.1 Purpose

The purpose of this Part is to provide for enforcement of this Local Law.

### 25.2 Power of Authorised officers to issue a Notice to Comply

- (a) If an **authorised officer** reasonably suspects that a **person** has contravened this Local Law the **authorised officer** may serve a **Notice to Comply** on the **person**.
- (b) A **Notice to Comply** must:
  - (i) specify the act, matter or thing that must be done or cease to be done;
  - (ii) specify the time within which the **person** on whom the **Notice to Comply** is served is required to do or cease to do the act, matter or thing;
  - (iii) be signed by an **authorised officer**, and
  - (iv) be served on the **person** named therein.
- (c) The time to comply specified in a **Notice to Comply** must be reasonable in the circumstances.

### 25.3 Failure to adhere to a Notice to Comply

Any **person** who fails to remedy a situation or do any act required to be done in accordance with a **Notice to Comply**:

- (a) is guilty of an **offence** and is liable to the penalty of 20 **Penalty Units**; and
- (b) is liable to pay to **Council** all costs incurred by **Council** (including administration costs) in complying with a **Notice to Comply**.

### 25.4 Offences and Penalties

- (a) Any **person** who, whether wilfully or not:
  - (i) fails to do anything directed or required to be done;
  - (ii) does anything forbidden; or
  - (iii) contravenes a condition included in a **permit**

is guilty of an **offence** against this Local Law and, if a specific penalty is not provided, is liable to a penalty of 20 **Penalty Units**.

- (b) The **Penalty Units** indicated in this Local Law are maximum penalties which may apply if the **offence** is found proven by a Court.



## 25.5 Infringement Notice

- (a) As an alternative to prosecution, an **authorised officer** may serve an **infringement notice** on a **person** who has contravened this Local Law.
- (b) The penalties fixed for **infringement notices** served under this Local Law are set out in **Schedule 1**.
- (c) A member of **Council** staff who was not involved in making the decision to serve the **infringement notice** may, following consideration of correspondence from any **person** served with an **infringement notice**, withdraw the **infringement notice**.
- (d) The power to withdraw an **infringement notice** is in addition to the powers given under the *Infringements Act 2006*.

## 25.6 Withdrawal of an Infringement Notice

- (a) An **authorised officer** may withdraw an **infringement notice** regardless of any payment if the **authorised officer** believes upon further investigation that the matter is of a more serious nature and would be better dealt with in Court.
- (b) Upon withdrawal of an **infringement notice** the **authorised officer** must, within seven (7) days, serve notice on the **person** issued with the **infringement notice** a notice advising of the reasons for the withdrawal and make a full refund of any penalty paid.

## 25.7 Service of Notice

- (a) Any notice or notification required to be served on or given to a **person** under this Local Law may be served on or given to the **person** by:
  - (i) delivering the notice or notification to the **person**;
  - (ii) leaving the notice or notification at the **person's** usual or last known place of **residence** or **business** with a **person** apparently over the age of sixteen (16) years and apparently residing or employed at that place; or
  - (iii) sending the notice or notification by post to the **person's** last known place of **residence** or **business**.
- (b) Where a notice or notification is directed to a **person** who is alleged to have contravened this Local Law by reason of being the **owner** or **occupier** of **land** or **premises** and that **person's** name is not known, the notice may be addressed to the **owner**, the **occupier** or the **person** in control (as the case may be).
- (c) Any notice or notification served by post in accordance with this clause will be deemed to have been served three business days later.

## 25.8 Impounding

- (a) **Council** or an **authorised officer** may seize and impound any thing (including, without limitation, any **animal** or **vehicle**) which is, has been or is being used or possessed in contravention of this Local Law.
- (b) If an **authorised officer** impounds any thing in accordance with this Local Law, **Council** or an **authorised officer** may refuse to release it until the **appropriate fee** or charge for its release has been paid.
- (c) As soon as possible after impounding, the **authorised officer** must, if practicable, serve a notice in writing on the **owner** or **person** responsible for the thing which has been impounded setting out the **fees** and charges payable and the time by which the thing must be collected.
- (d) If, after the time required in the notice, an impounded thing is not collected, an **authorised officer** may take action to destroy, give away or offer for sale by auction or public tender the impounded thing.
- (e) When the identity or whereabouts of the **owner** or **person** responsible for the impounded thing is unknown, an **authorised officer** must take reasonable steps to ascertain the identity or whereabouts of that **person** and to contact that **person**, after which the **authorised officer** may proceed to destroy, give away or offer for sale by auction or public tender the impounded thing in accordance with clause 25.8(d).
- (f) Any proceeds from the disposal of any impounded thing, except for all reasonable costs, charges and expenses properly incurred by **Council** in and incidental to the sale or any attempted sale or otherwise, may be claimed by the **owner** within one (1) year of sale.

## 25.9 Recovery of Expenses

Any expense incurred by **Council** in consequence of a breach of this Local Law or in the execution of work directed pursuant to this Local Law to be executed by any **person** and not executed by the **person** must be paid immediately on demand to **Council** by the **person** committing such breach or failing to execute such work.

## 25.10 Appeals

An **applicant** who is aggrieved by a decision not to grant a **permit** may apply to **appeal** the decision for consideration by **Council**, but this right will not in any way remove that **person's** obligation to act in accordance with any decision, **direction** or notice given or made.

## 25.11 Urgent Powers

An **authorised officer** may, in urgent circumstances arising from a failure to comply with this Local Law or a **permit**, take action to remove, remedy or rectify a situation, without the necessity to serve a **Notice to Comply** provided:

- (a) the **authorised officer** considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a **person**, **animal**, **property** or thing at risk or in danger;

- (b) details of the circumstances and remedying action are as soon as possible forwarded to the **person** on whose behalf the action was taken; and
- (c) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

## 25.12 Official Warnings

- (a) An **authorised officer** may serve an official warning rather than an **infringement notice** on a **person** if the **authorised officer**:
  - (i) believes on reasonable grounds that a **person** has committed an **offence**; and
  - (ii) is of the opinion that, in all the circumstances, it is appropriate to serve an official warning.
- (b) An official warning must be in writing and contain the following details:
  - (i) that it is an official warning;
  - (ii) the date of the official warning;
  - (iii) the name and address of the **person** served with the official warning;
  - (iv) the identifying reference of the official warning;
  - (v) either the name of the **authorised officer** or the identifying reference of the **authorised officer** who issued it;
  - (vi) the date, approximate time and place where the **offence** is alleged to have been committed; and
  - (vii) a brief description of the alleged **offence**.
- (c) Nothing in this clause limits an **authorised officer's** discretion as to whether to serve an **infringement notice**.
- (d) A member of **Council** staff who was not involved in making the decision to serve the official warning may, following consideration of correspondence from any **person** served with an official warning, withdraw the official warning.
- (e) An official warning does not affect the power of an **authorised officer** to:
  - (i) commence proceedings against a **person** to whom an official warning was given;
  - (ii) issue a **Notice to Comply**;
  - (iii) take no further action; or
  - (iv) take any other specified action permitted under this Local Law which established an **offence**.

### **25.13 Power to issue a direction**

- (a) **Council** or an **authorised officer** may, by serving a **direction**, request any **owner** or **occupier** of **property** or other **person** to remedy any situation that constitutes a breach of this Local Law.
- (b) A **direction** may be verbal or written.
- (c) An **owner** or **occupier** of **property** or other **person** to whom a **direction** is issued must comply with that **direction**.

**Penalty: 20 Penalty Units**

## SCHEDULES

# Schedule 1 Penalties

## Explanatory Note:

**Infringement notice penalties** see (Table 2) 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 a Court might impose for the same **offence**.

**Maximum penalties** see (Table 2) may be imposed by a Court when:

- **Council** or an **authorised officer** chooses to prosecute an **offence**, rather than issue an **infringement notice**; or
- a **person** receiving an **infringement notice** chooses to have the matter heard in Court.

Table 2

Clause	Offence	Infringement Penalty Units	Maximum Penalty Units
<b>Part 2 - Vehicles</b>			
ALL	All provisions under Part 2	3	10
<b>Part 3 – Street Naming and Numbering</b>			
ALL	All provisions under Part 3	2	5
<b>Part 4 – Trading and Advertising</b>			
ALL	All provisions under Part 4	3	10
<b>Part 5 – Activities in Public Places</b>			
ALL	All provisions under Part 5	2	5
<b>Part 6 – Obstructions on Roads, Council Land and Public Places</b>			
ALL	All provisions under Part 6	3	10
<b>Part 7 – Consumption of Alcohol</b>			
7.2 (a)	Consumption and possession of Alcohol	5	20
7.2 (b), (c) and (d)	Consumption and possession of Alcohol	3	10
<b>Part 8 – Noise Control</b>			
ALL	All provisions under Part 8	3	10
<b>Part 9 – Scareguns</b>			
ALL	All provisions under part 9	2	5
<b>Part 10 – Asset Protection</b>			
ALL	All provisions under Part 10	5	20

Clause	Offence	Infringement Penalty Units	Maximum Penalty Units
<b>Part 11 – Works within Road Reserves and Easements</b>			
ALL	All provisions under Part 11	5	20
<b>Part 12 – Private Premises</b>			
12.2	Camping	3	10
12.3	Caravans	3	10
12.4	Overhanging or encroaching vegetation	3	10
12.5	Environmental Weeds	3	10
12.6	Unightly land	3	10
12.7	Dilapidated buildings	5	20
12.8	Dangerous land	5	20
12.9	Fireworks	3	10
<b>Part 13 – Animals</b>			
13.2	Number of animals	3	10
13.4	Animal enclosures	3	10
13.5 (a), (b), (c) and (d)	General Provisions	3	10
13.5 (f) and (g)	General Provisions	2	5
13.6	Pest and Stray Animals	2	5
13.7	Bees and Wasps	3	10
13.8	Effective Confinement of Livestock	3	10
13.9	Training of Animals	2	5
<b>Part 14 – Control of Building Sites</b>			
ALL	All provisions under Part 14	5	20
<b>Part 16 – Waste Disposal</b>			
16.2	Regulation of Deposit of Waste	3	10
16.3	Placement of rubbish for collection	2	5
16.4	Interference with collection	3	10
16.5	Council supplied Waste Receptacles	1	3
16.6 (a)	Prohibited use of Waste Receptacles	2	5
16.6 (b)	Prohibited use of Waste Receptacles	1	3
16.7	Infectious Waste	2	5
16.8	Interference with Hard Garbage	2	5
<b>Part 17 – Trade Wastes</b>			
ALL	All provisions under Part 17	5	20

Clause	Offence	Infringement Penalty Units	Maximum Penalty Units
<b>Part 18 – Use of Council Land and Municipal Buildings</b>			
ALL	All provisions under Part 18	3	10
<b>Part 19 – Prohibition on Smoking</b>			
ALL	All provisions under Part 19	2	5
<b>Part 20 – Open Air Burning</b>			
20.3 (a)	Open Air Burning Offences	3	10
20.3 (b)	Open Air Burning Offences	2	5
20.3 (c)	Open Air Burning Offences	3	10
20.3 (d)	Open Air Burning Offences	2	5
20.3 (e) and (f)	Open Air Burning Offences	3	10
20.5	Changing categories	2	5
<b>Part 21 – Short Stay Accommodation</b>			
21.2	Owner Liability	10	20
<b>Part 22 – Damage to Public Assets</b>			
22.2	Interfering with, Damaging or Destroying Certain Public Assets	5	20
22.3	Nature strip Landscaping	3	10
<b>Part 23 – Permits</b>			
23.6 (d)	Permit may be conditional	5	20
<b>Part 25 – Enforcement &amp; Penalties</b>			
ALL	All provisions under Part 25 (This part includes the offence “Failure to adhere to a Notice to Comply”)	5	20



## Schedule 2 Open Air Burning Restrictions

### 2.1 URBAN CATEGORY

**Residents** in urban areas are encouraged to utilise recycling, mulching, and **Council's** waste transfer stations.

The following restrictions apply within the *Open Air Burning – Urban Category*.

A **person** must not, without a **permit**:

- (a) engage in **open air burning** or use an **incinerator** at any time; or
- (b) direct another **person** to use an **incinerator** at any time.

#### Exemptions

- 1.1 a **barbeque** or a **manufactured fireplace** designed and used for the purpose of outdoor cooking, heating or comfort is exempt except:
  - a) on a total fire ban day or when other **CFA** or **MFB** restrictions apply;
  - b) a gas or electric **barbeque** may be used in accordance with **CFA** or **MFB** requirements; and
- 1.2 a fire lit by a member of **Council** staff, a **CFA** member, or an employee of the **MFB**, the **DELWP**, Parks Victoria or other relevant **statutory authority** in the course of their functions and duties.

EASY GUIDE – URBAN CATEGORY	
Open air burning allowed	If a <b>permit</b> is obtained.
Open air burning prohibited	<ul style="list-style-type: none"><li>• During a <b>fire danger period</b>.</li><li>• On total fire ban days.</li></ul>

## 2.2 BUSHLAND CATEGORY

**Residents** in bushland areas are encouraged to utilise recycling, mulching, and **Council's** waste transfer stations.

The following restrictions apply within the **Open Air Burning – Bushland Category**.

### Days and Times

A **person** must not engage in **open air burning** or use an **incinerator** at the following times:

- i. during the **fire danger period**, on total fire ban days or at any other time the CFA declares fire restrictions;
- ii. during the months of June and July; or
- iii. on any Sunday, Tuesday or Wednesday.

EASY GUIDE – BUSHLAND CATEGORY	
Burning allowed	Monday, Thursday, Friday and Saturday
Burning prohibited	<ul style="list-style-type: none"><li>• During the <b>fire danger period</b>.</li><li>• On total fire ban days.</li><li>• Sunday, Tuesday and Wednesday.</li><li>• In June and July.</li></ul>

### Conditions Applied to **Open Air Burning**

A **person** may engage in, or authorise another **person** to engage in, **open air burning** or burning material in an **incinerator** provided that all of the following conditions are met:

- 1.1 the **person** has given prior notification to the **ESTA**;
- 1.2 it is on a permitted day;
- 1.3 the burning is for the purpose of **fuel reduction** for fire prevention and biosecurity control;
- 1.4 the fuel is not noxious or offensive;
- 1.5 where the burning is to occur on a **property** of less than 20,000 square metres in area, reasonable measures are taken by the **person** to advise neighbouring landowners and **occupiers** at least 24 hours beforehand;
- 1.6 the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire;
- 1.7 the wind at the site of the fire does not exceed 19 kilometres per hour;

- 1.8 there is an adequate number of attendees and supply of tools and **adequate water supply** available to hand at all times to control the fire and prevent it spreading or escaping; and
- 1.9 the smoke and/or odour from the fire does not cause **offensive smoke** to enter another **property** or create a **smoke hazard**, especially for **traffic** on a **road**.

### Exemptions

A **barbeque** or a **manufactured fireplace** designed and used for the purpose of outdoor cooking, heating or comfort is exempt, except where:

- a) a total fire ban or other **CFA** or **MFB** restrictions apply;
- b) **offensive materials** are burnt or **offensive smoke** or a **smoke hazard** is caused;
- c) a fire is lit by a member of **Council** staff, a **CFA** member or an employee of the **MFB**, the **DELWP**, Parks Victoria or other relevant **statutory authority** in the course of their functions and duties;
- d) restrictions related to days of the week are suspended but only during the final seven (7) days leading up to the introduction of any **fire danger period**;
- e) where a **property** in the **Open Air Burning – Bushland Category** is greater than 20,000 square metres and the **land** is cleared for an approved building construction and a **windrow** of felled **trees** and vegetation is thereby created, this **windrow** will be treated for **open air burning** purposes as if it was a **windrow** on an **Open Air Burning – Rural Category property** of an equivalent size, provided that:
  - i. the **open air burning** of such a **windrow** occurs only on a day and time when **open air burning** is allowed on a **property** in the **Open Air Burning – Bushland Category**;
  - ii. all other conditions, restrictions and **offences** applicable to such a **windrow** on a **property** in the **Open Air Burning - Bushland Category**; and
  - iii. once this **windrow** is burnt or otherwise removed, the exemption will cease.

## 2.3 RURAL CATEGORY

**Residents** in rural areas are encouraged to utilise recycling, mulching and **Council's** waste transfer stations.

The following restrictions apply within an **Open Air Burning – Rural Category**.

### Days and Times

A **person** must not engage in **open air burning** or use an **incinerator** during the **fire danger period**, on total fire ban days and at any other time the **CFA** declares fire restrictions.

EASY GUIDE – RURAL CATEGORY	
Burning allowed	Every day
Burning prohibited	<ul style="list-style-type: none"><li>• During the <b>fire danger period</b>.</li><li>• On total fire ban days.</li></ul>

### Conditions Applied to **Open Air Burning**

A **person** may engage in, or authorise another **person** to engage in, **open air burning** or burning any material in an **incinerator** provided that all of the following conditions are met:

- 1.1 the **person** has given prior notification to the **ESTA**;
- 1.2 it is on a permitted day;
- 1.3 the burning is for the purpose of **fuel reduction** for fire prevention and biosecurity control;
- 1.4 the fuel is not noxious or offensive;
- 1.5 the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire;
- 1.6 the wind at the site of the fire does not exceed 19 kilometres per hour;
- 1.7 adequate measures are taken to ensure the **open air burning** is confined to the **property**;
- 1.8 there is an adequate number of attendees and supply of tools and an **adequate water supply** available to hand at all times to control the fire and prevent it spreading or escaping; and
- 1.9 the smoke and/or odour from the fire does not cause **offensive smoke** to enter another **property** or create a **smoke hazard**, especially for **traffic** on a **road**.

## Exemptions

The following exemptions apply:

- 1.10 a **barbeque** or a **manufactured fireplace** for the purpose of outdoor cooking, heating or comfort is exempt, except where:
  - a) a total fire ban or other **CFA** or restrictions apply; or
  - b) **offensive materials** are burnt or **offensive smoke** or a **smoke hazard** is caused;
- 1.11 a fire lit by a member of **Council** staff, a **CFA** member, or an employee of the **DELWP**, Parks Victoria or other relevant **statutory authority** in the course of their functions and duties; and
- 1.12 restrictions related to days of the week are suspended, but only during the final seven (7) days leading up to the introduction of any **fire danger period**.

**Windrows**, large fires and multiple fires

A **person** on a **property** in the **Open Air Burning – Rural Category** may engage in, or authorise another **person** to engage in, **open air burning**, or the burning of **windrows** provided that:

- 1.1 all conditions listed above are adhered to;
- 1.2 any **windrow** or large fire or multiple fires must not pose a danger to any **person** or neighbouring **property** before, during or after burning;
- 1.3 any **windrow** or large fire or multiple fires must have adequate supervision, tools and water supply to control the fire and prevent it from spreading or escaping at all times;
- 1.4 where the burning is to occur on a **property** of less than 20,000 square metres in area, reasonable measures are taken by the **person** to advise neighbouring landowners and **occupiers** at least 24 hours beforehand; and
- 1.5 the **person** has given prior notification to the **ESTA**.

## **Attachment**

### **Open Air Burning Category Municipal Maps**

Attachments in the following pages show each suburb in the **municipal district** and the **Open Air Burning** Category boundaries.

**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 1 of 39**

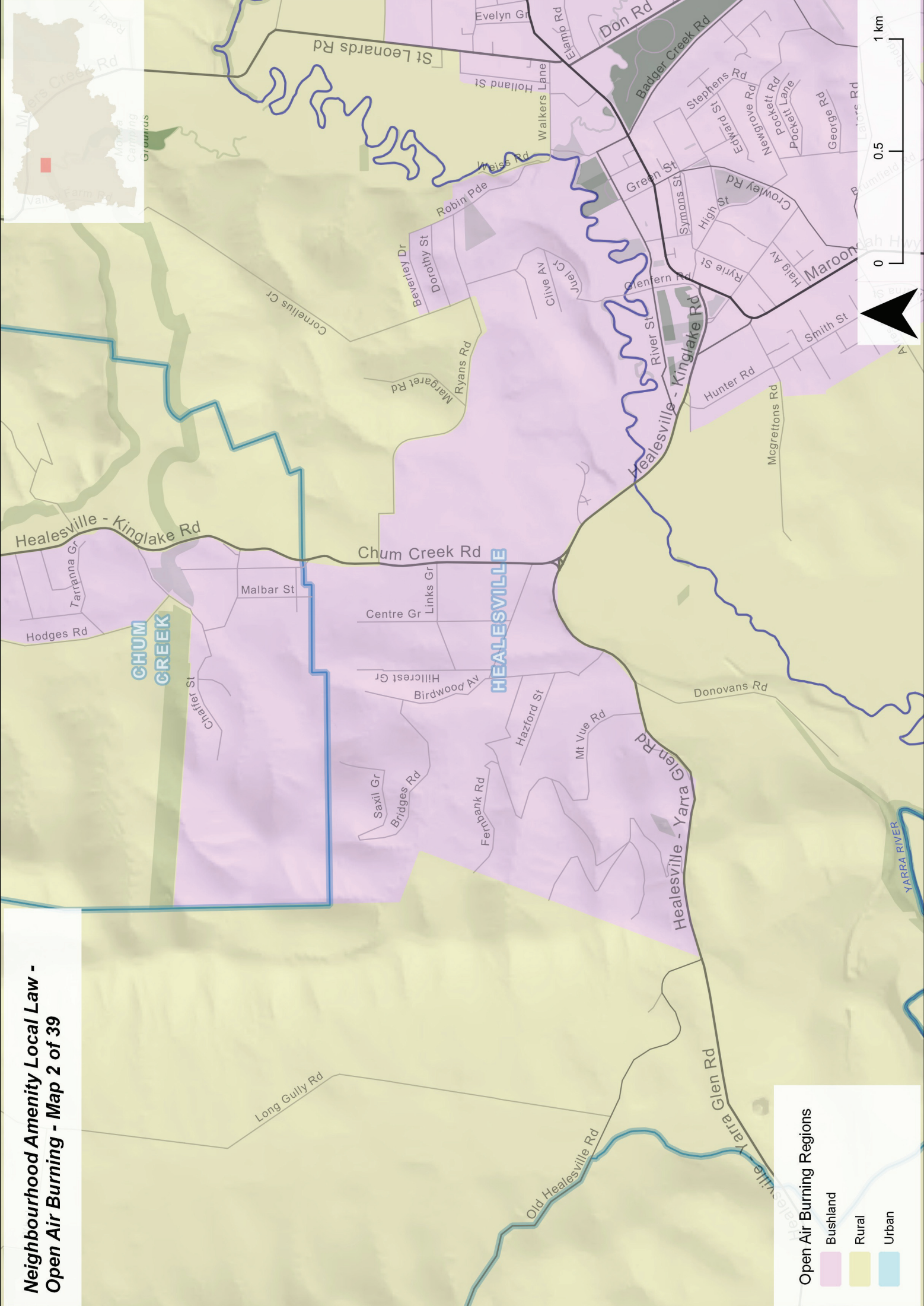


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 2 of 39**

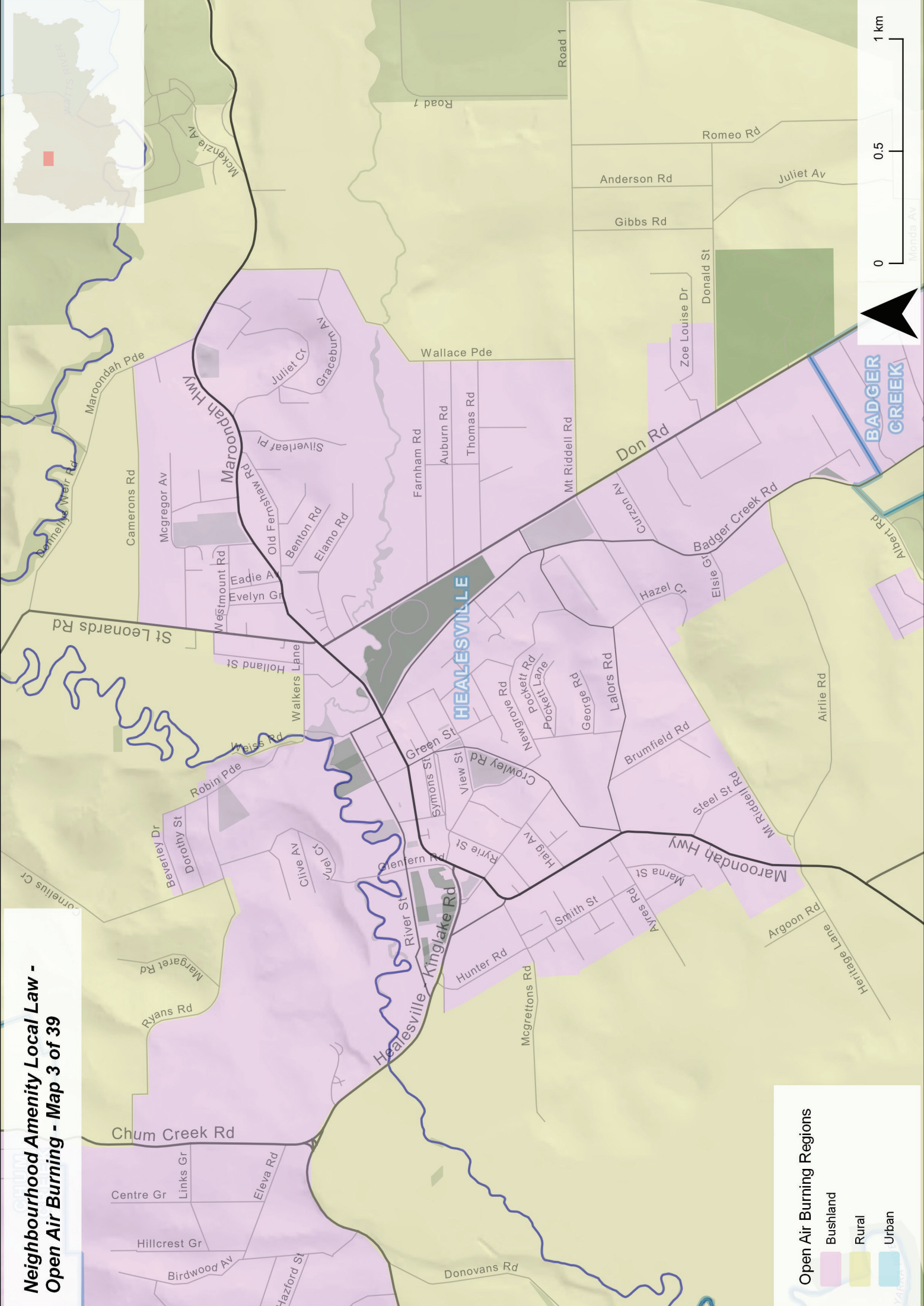


**Open Air Burning Regions**

- Bushland
- Rural
- Urban

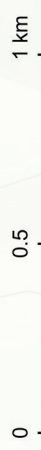


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 3 of 39**



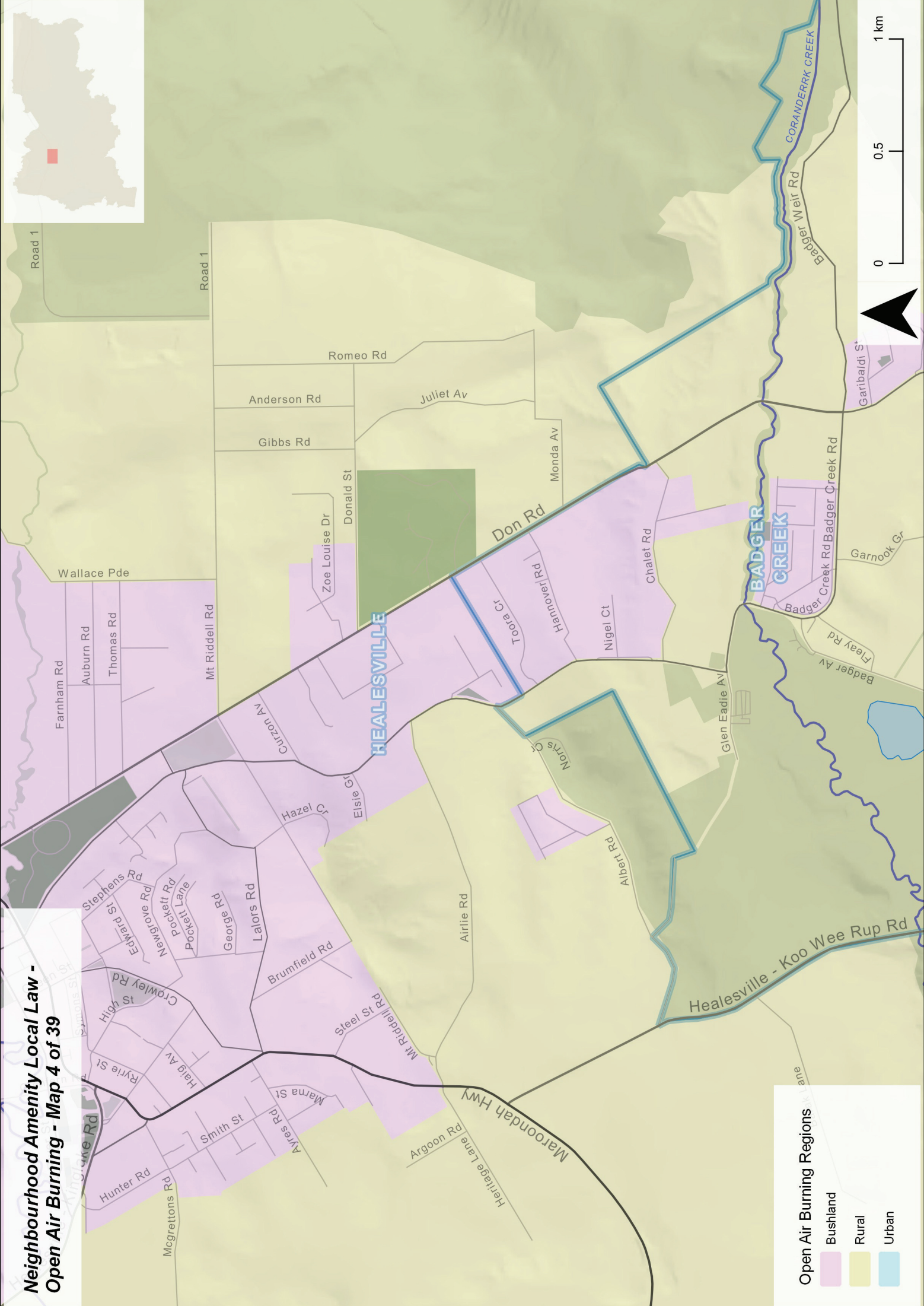
**Open Air Burning Regions**

- Bushland
- Rural
- Urban



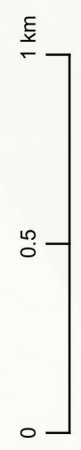


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 4 of 39**

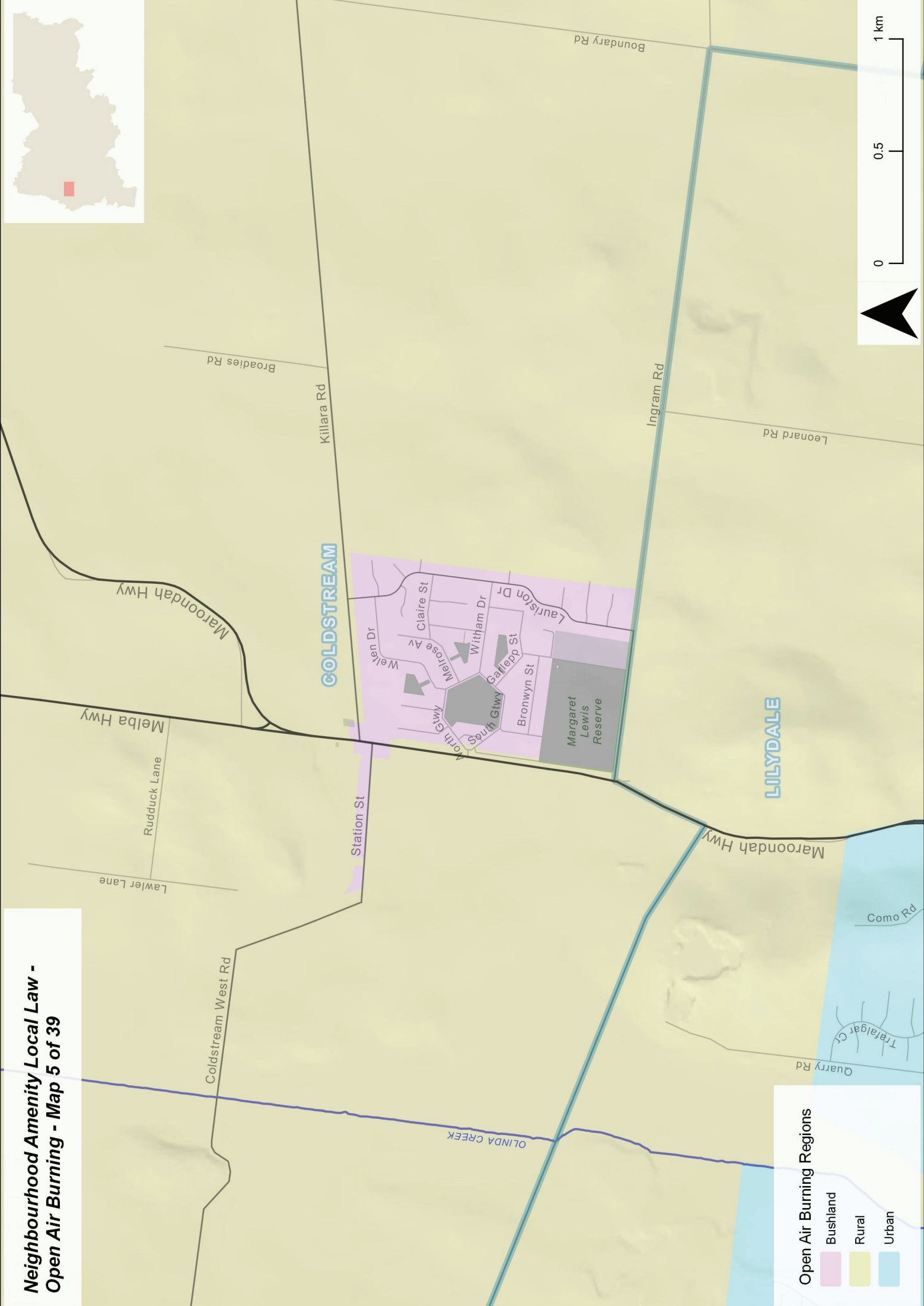


**Open Air Burning Regions**

- Bushland
- Rural
- Urban

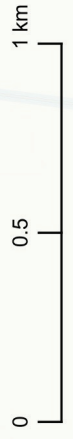


# Neighbourhood Amenity Local Law - Open Air Burning - Map 5 of 39



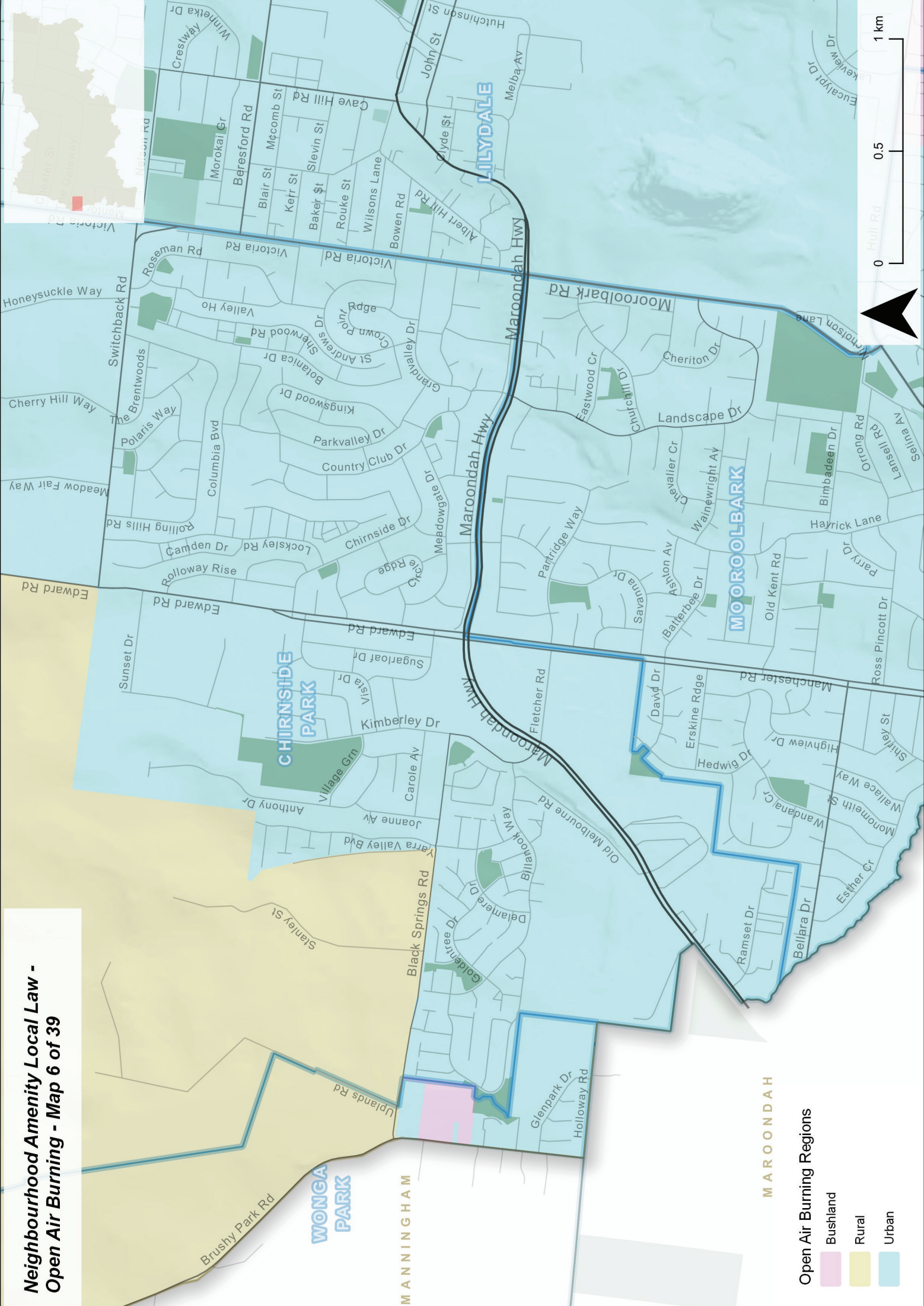
### Open Air Burning Regions

- Bushland
- Rural
- Urban





**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 6 of 39**



**Open Air Burning Regions**

- Bushland
- Rural
- Urban

**MAROONDAH**

**MANNINGHAM**

**WONGA  
PARK**

**STANLEY ST**

**CHIRNSIDE  
PARK**

**MAROONDAH HWY**

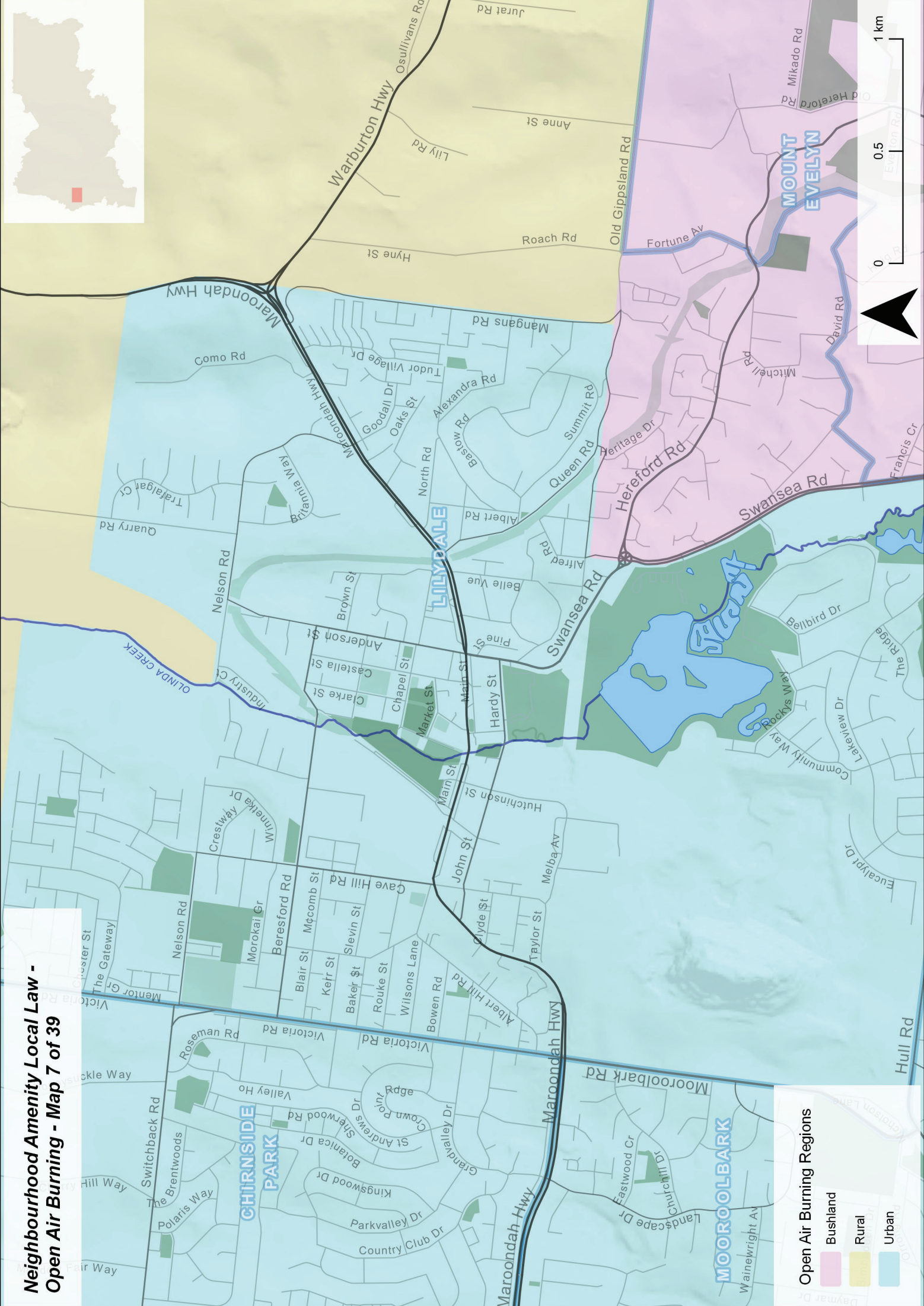
**MOOROLBARK**

**MAROONDAH HWY**

**LILYDALE**



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 7 of 39**

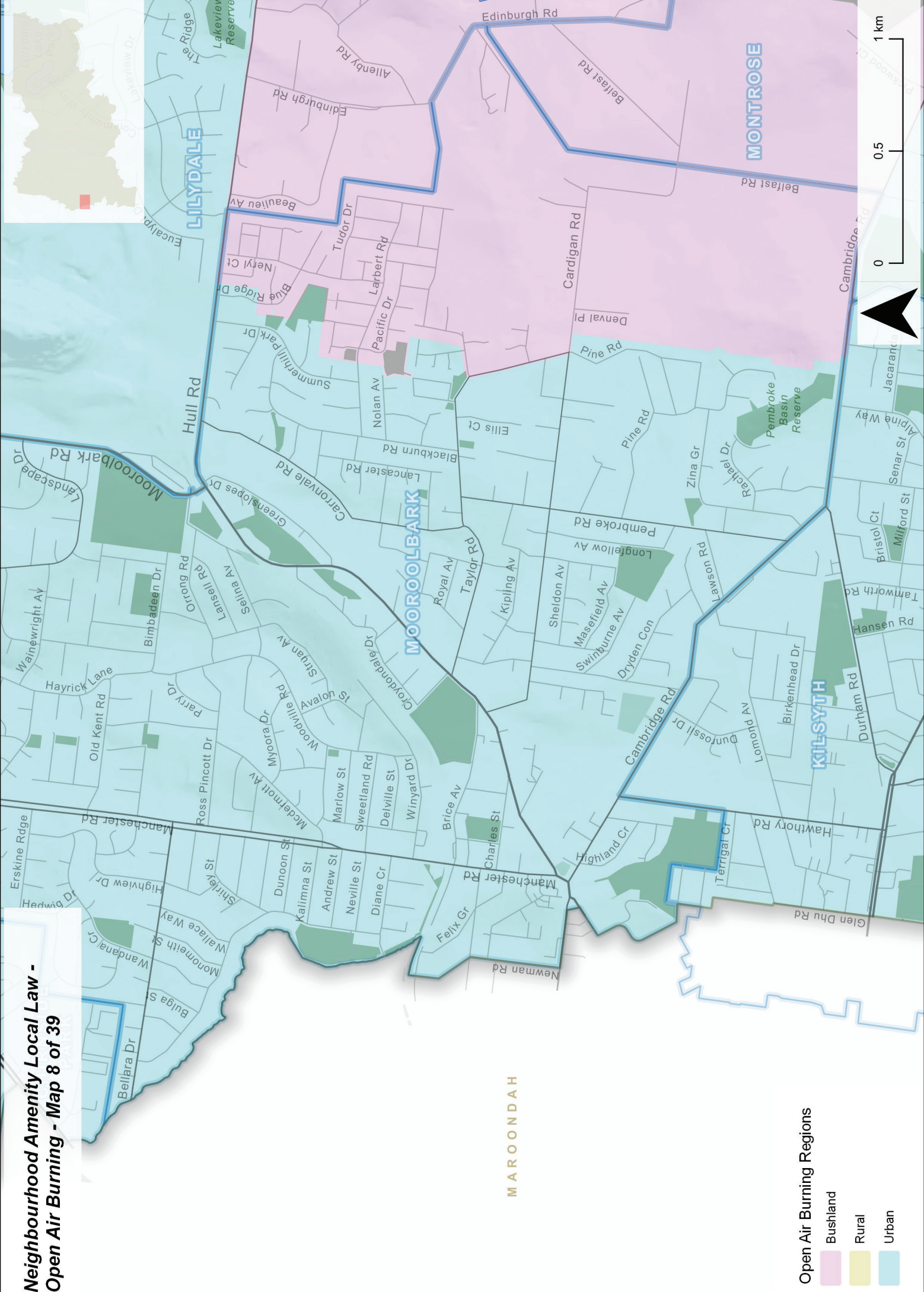


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



# Neighbourhood Amenity Local Law - Open Air Burning - Map 8 of 39



**Open Air Burning Regions**

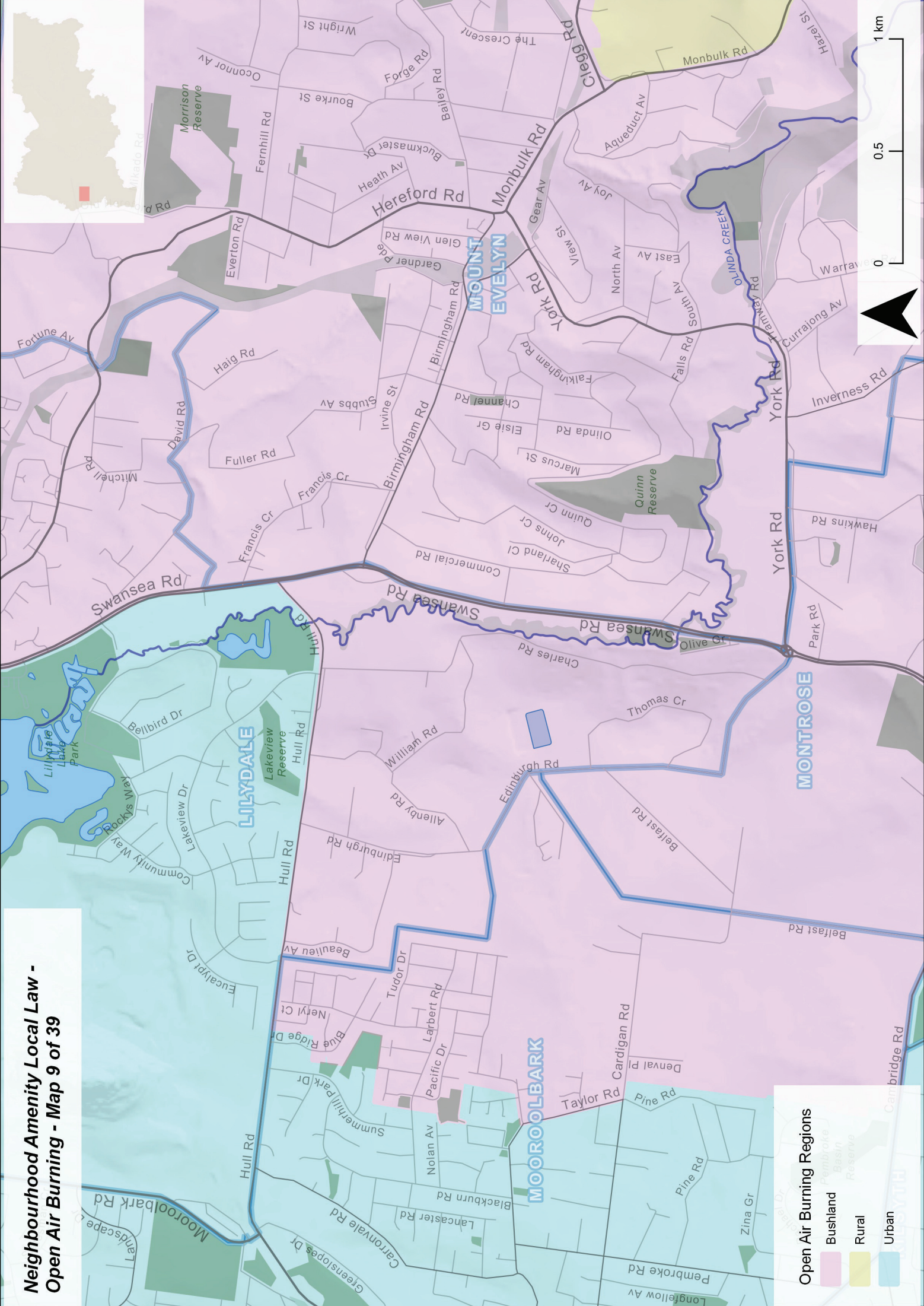
- Bushland
- Rural
- Urban



0 0.5 1 km



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 9 of 39**



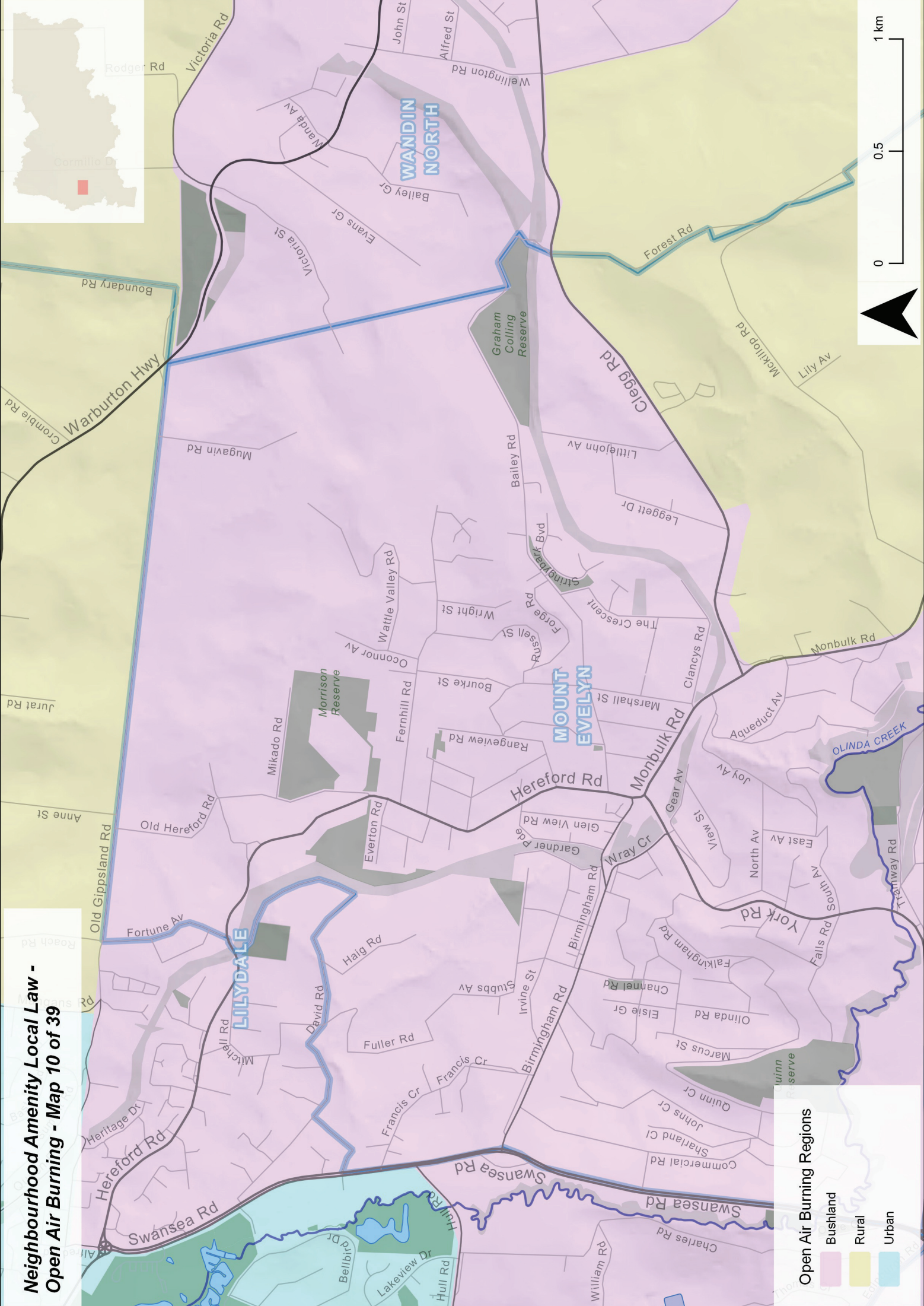
**Open Air Burning Regions**

- Bushland
- Rural
- Urban

*(Note: The legend also includes Pembroke Basin Reserve, which is not explicitly labeled in the legend box but is visible on the map.)*



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 10 of 39**

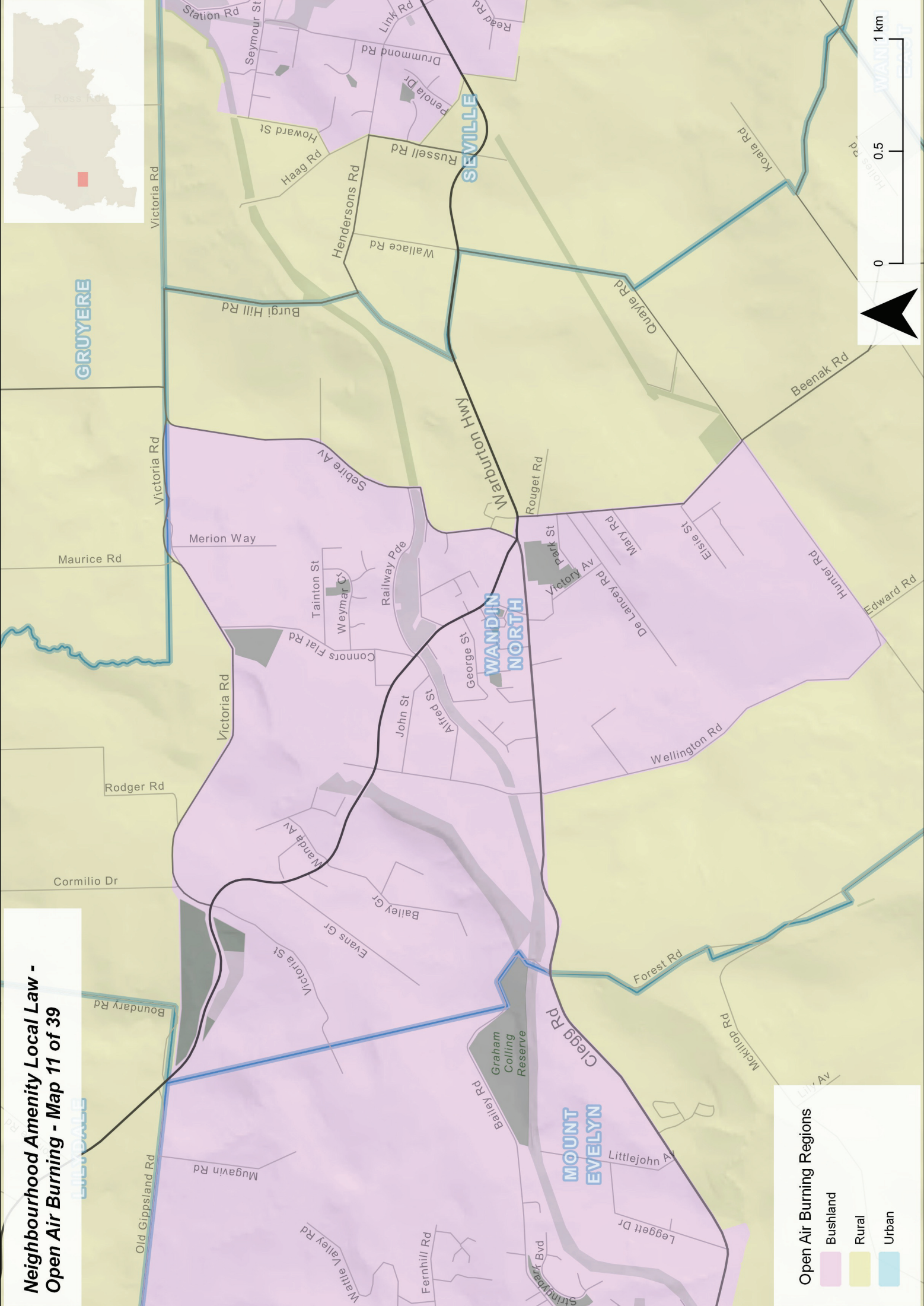


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 11 of 39**

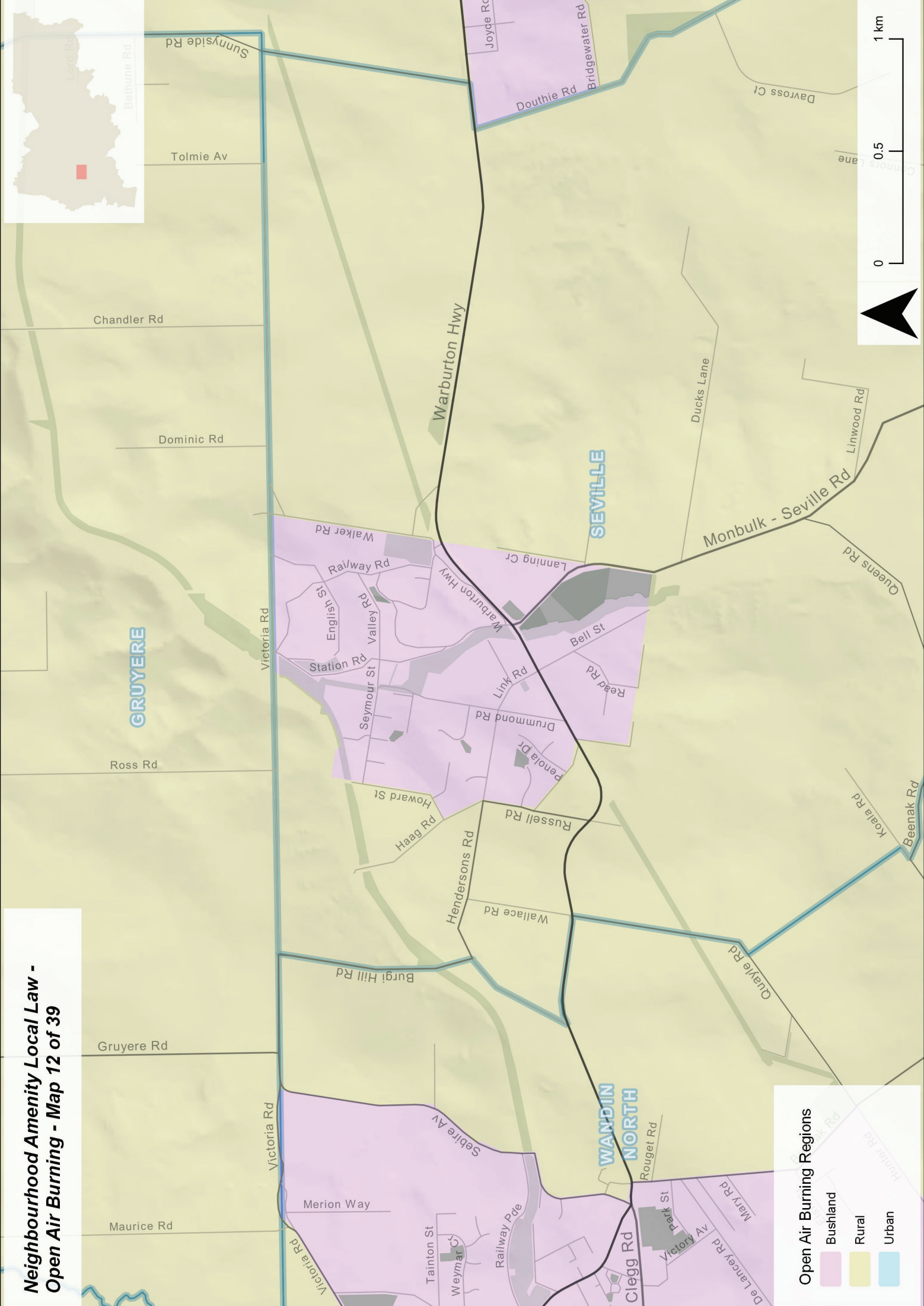
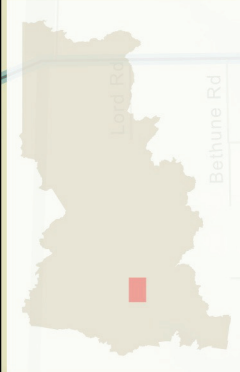


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 12 of 39**



**Open Air Burning Regions**

- Bushland
- Rural
- Urban

**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 13 of 39**




**GRUYERE**

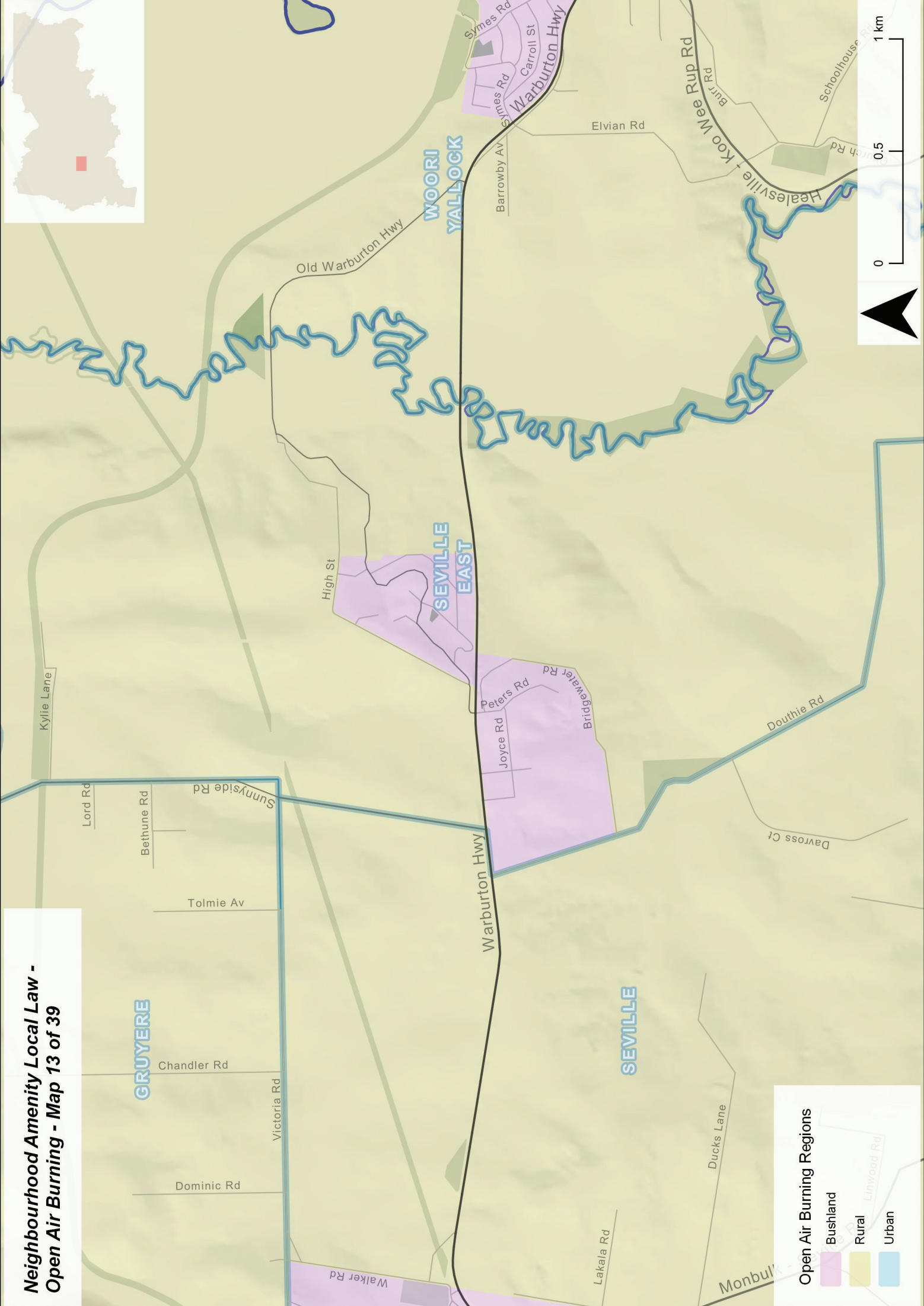
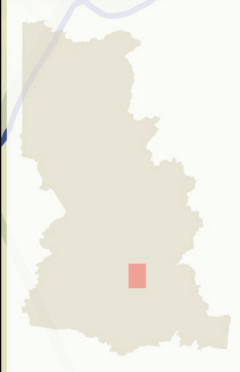
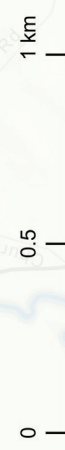
**WOORI  
YALLOCK**

**SEVILLE  
EAST**

**SEVILLE**

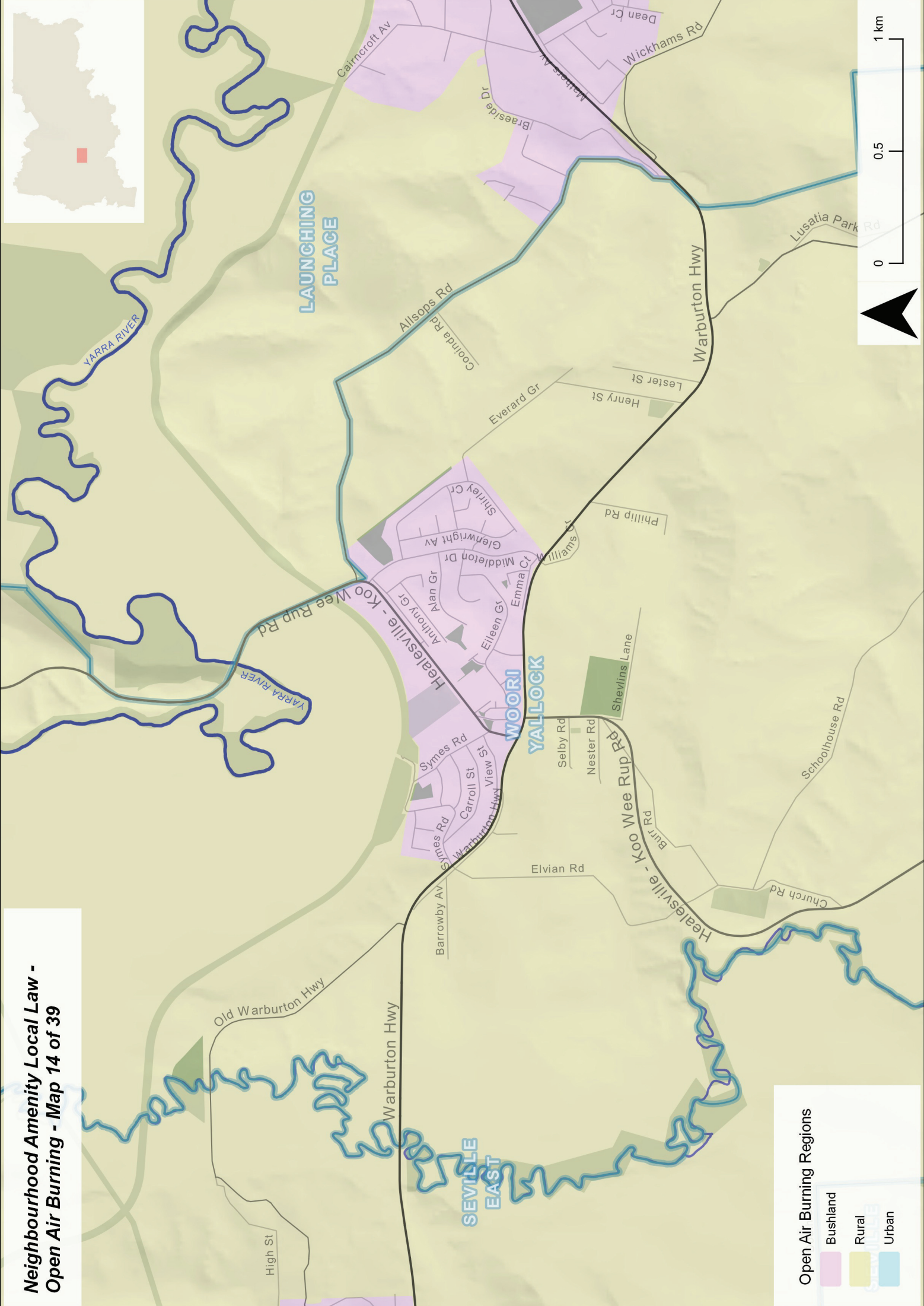
**Open Air Burning Regions**

-  Bushland
-  Rural
-  Urban



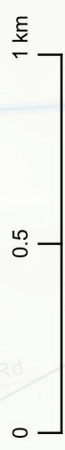


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 14 of 39**



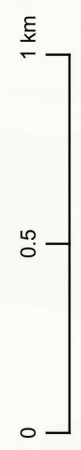
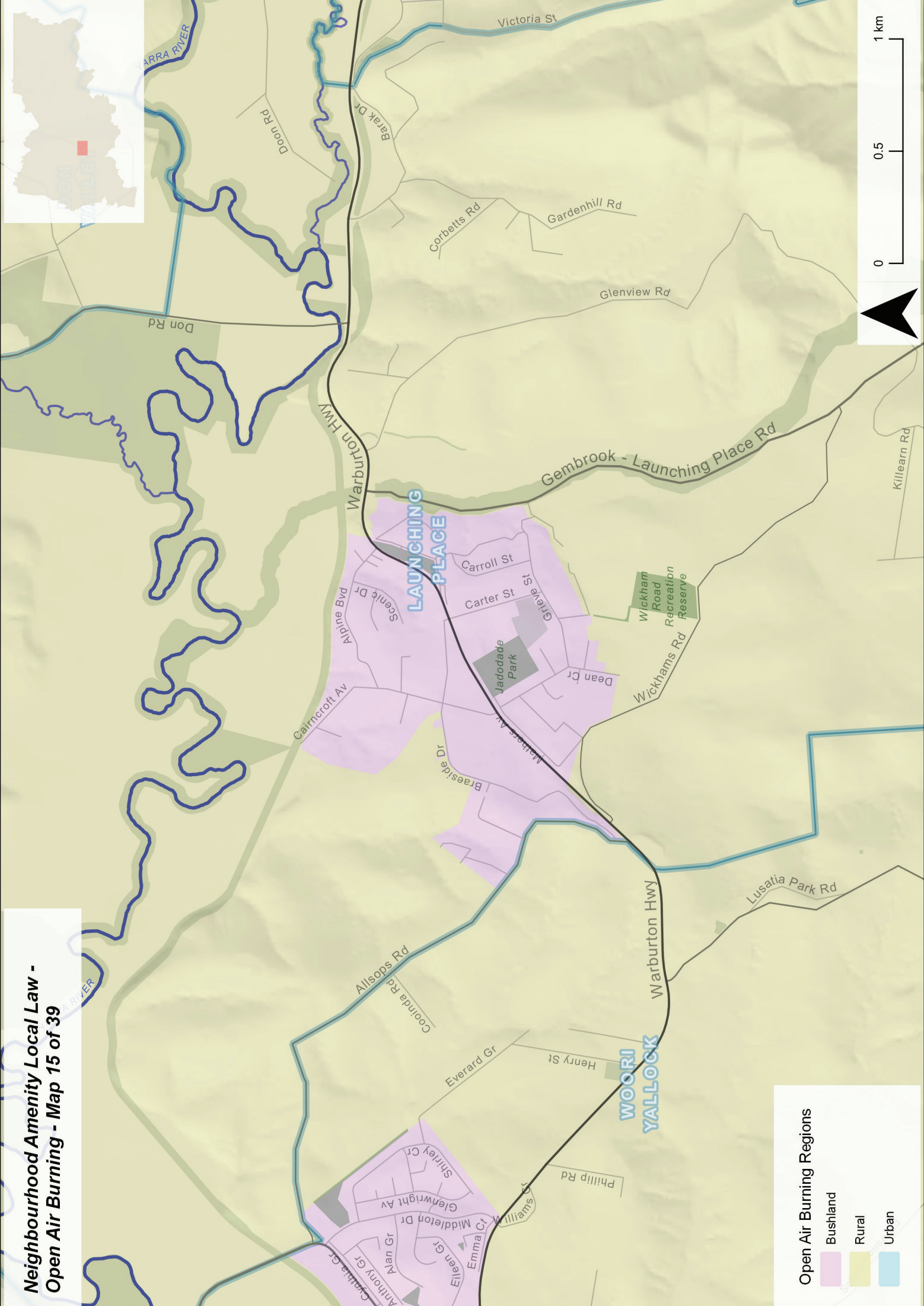
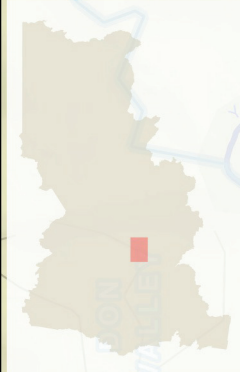
**Open Air Burning Regions**

- Bushland
- Rural
- Urban








**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 15 of 39**

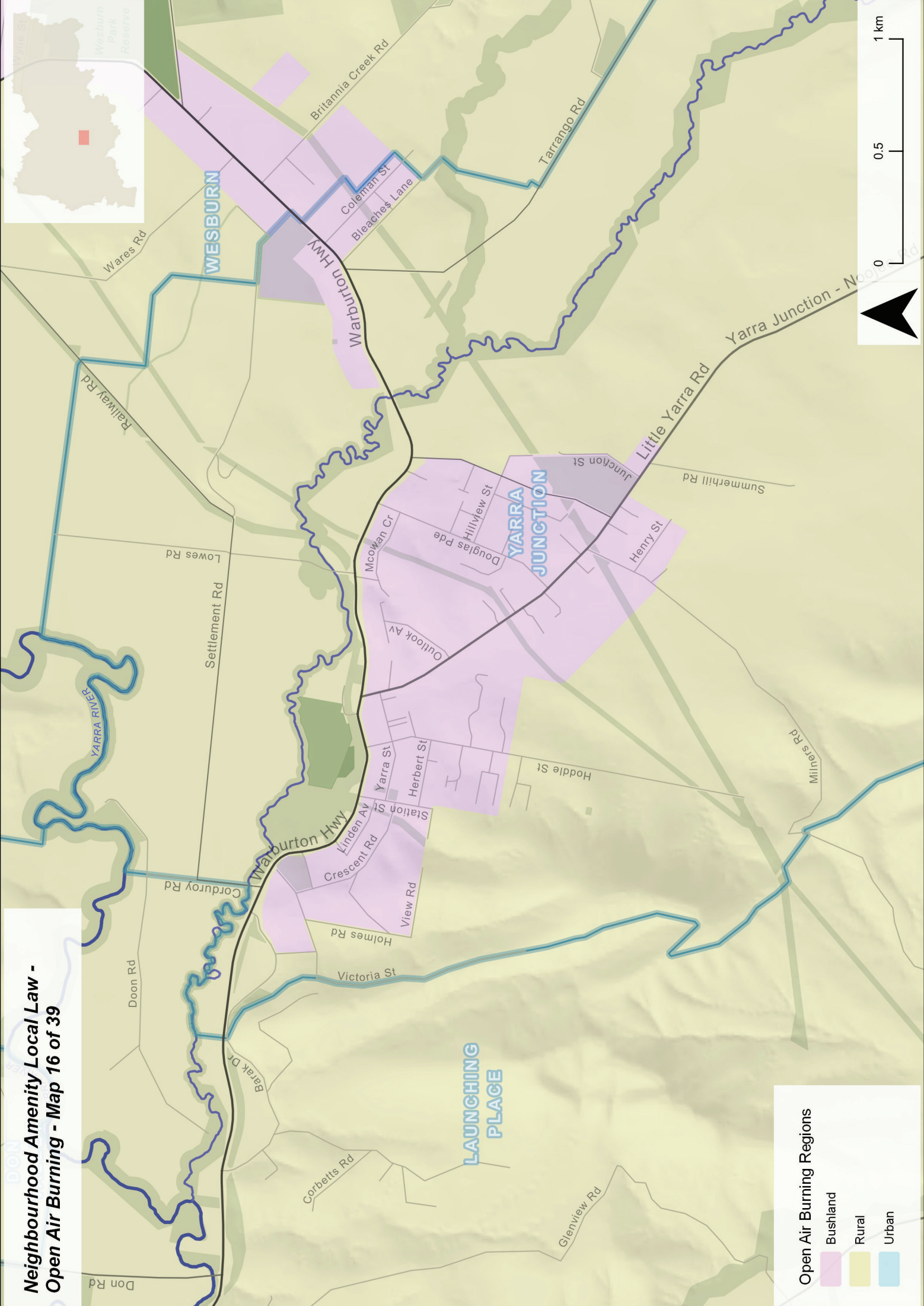
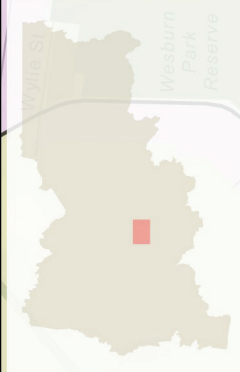


**Open Air Burning Regions**




-  Bushland
-  Rural
-  Urban



# Neighbourhood Amenity Local Law - Open Air Burning - Map 16 of 39

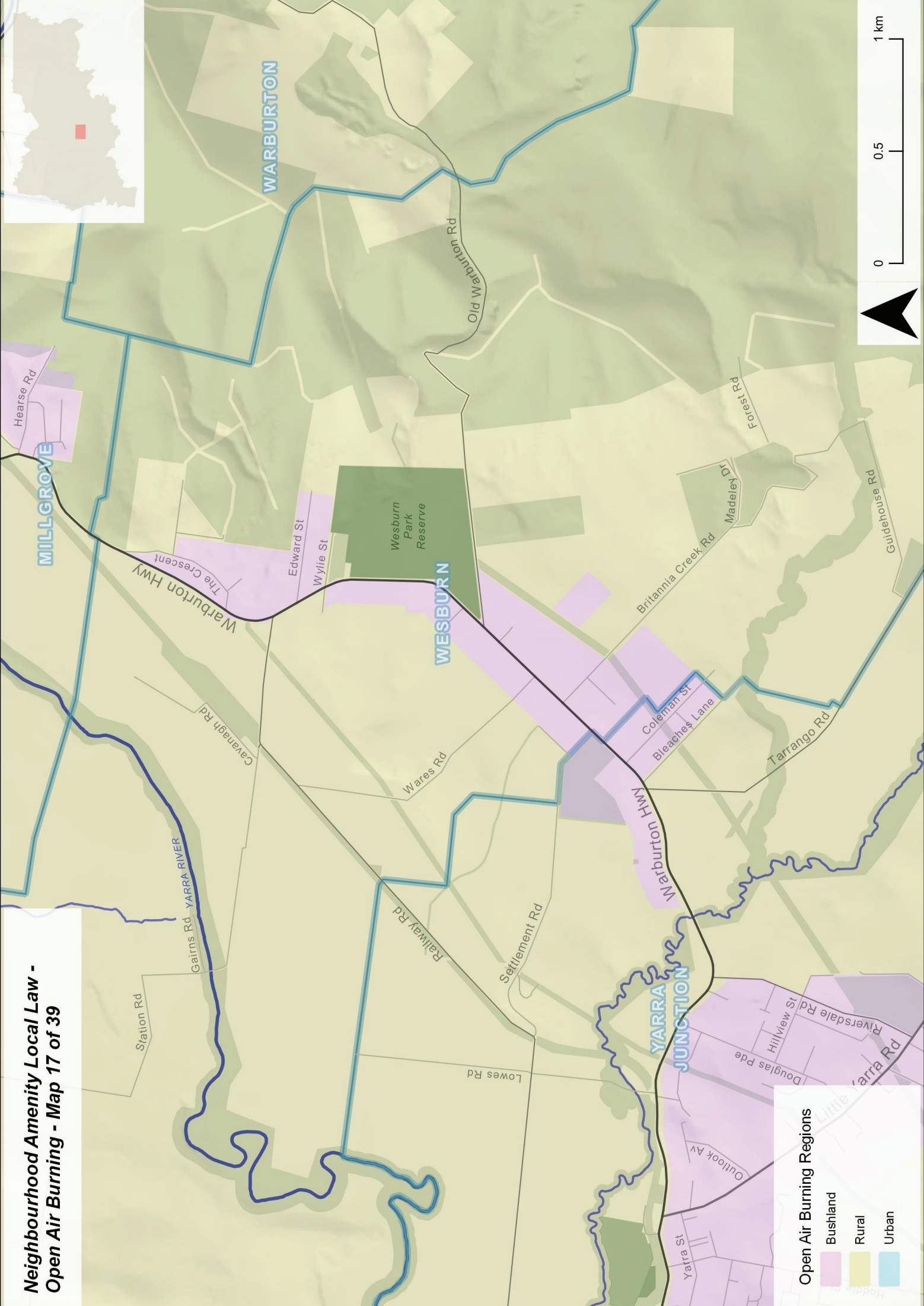


## Open Air Burning Regions

-  Bushland
-  Rural
-  Urban

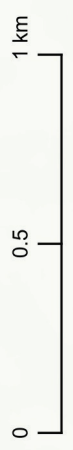


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 17 of 39**



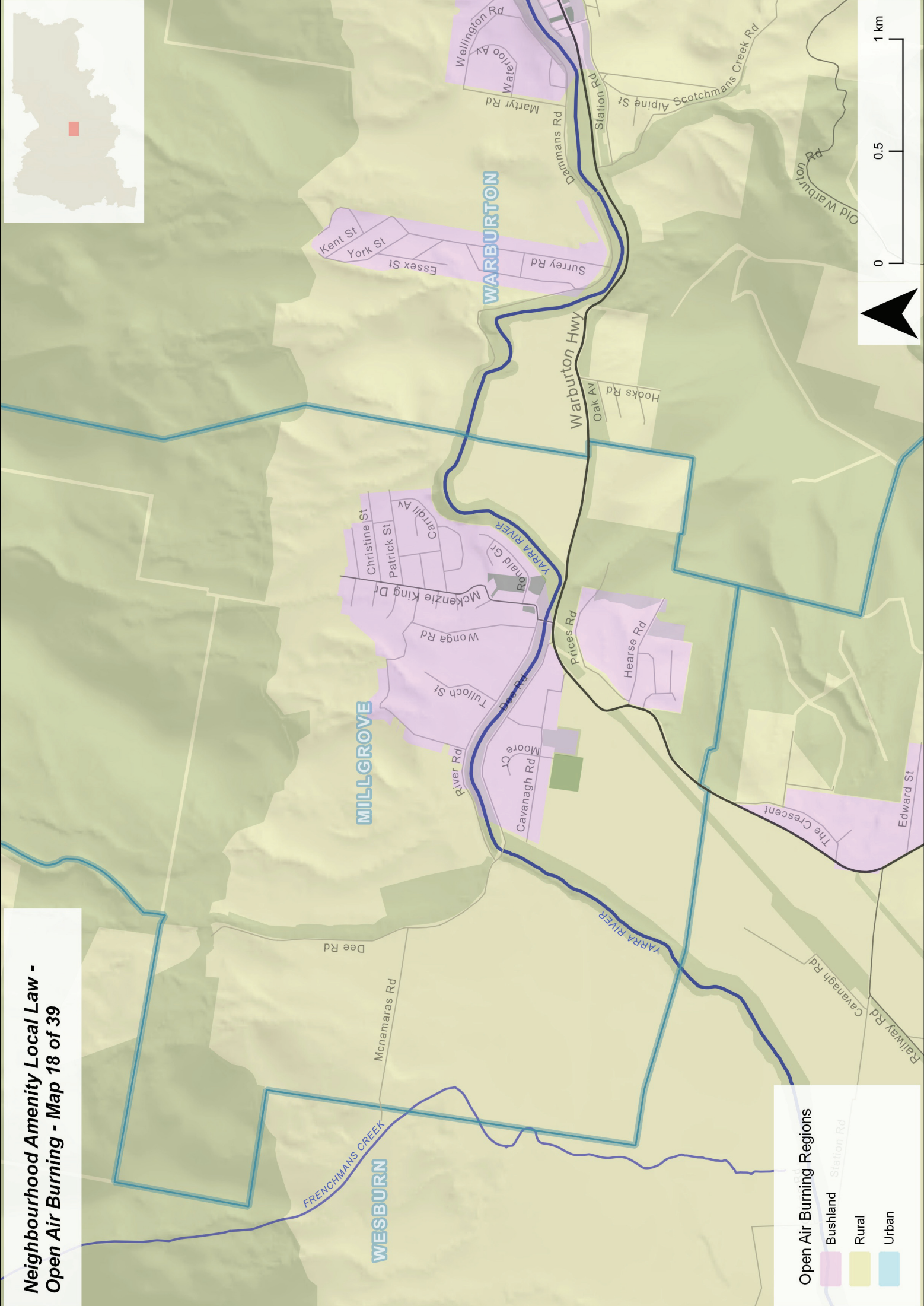
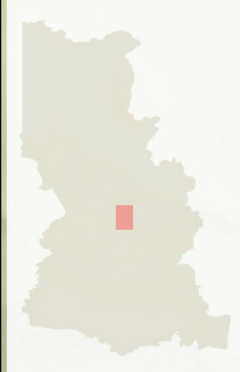
**Open Air Burning Regions**

- Bushland
- Rural
- Urban



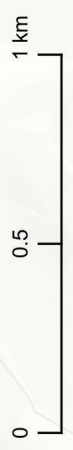


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 18 of 39**



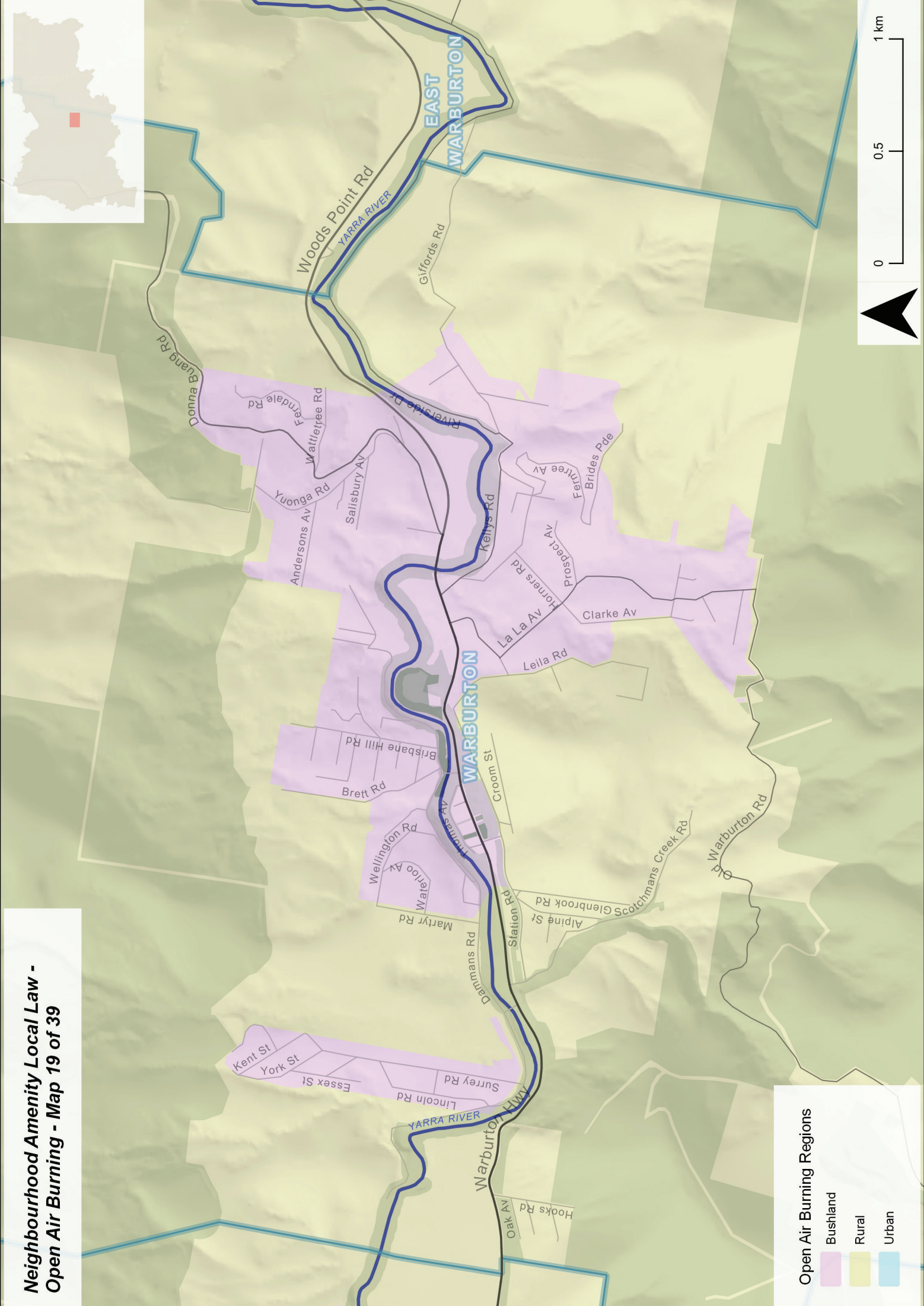
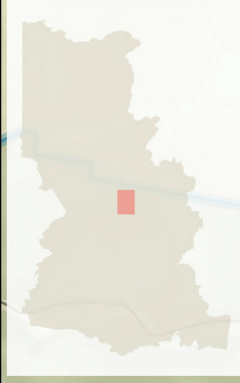
**Open Air Burning Regions**

- Bushland
- Rural
- Urban






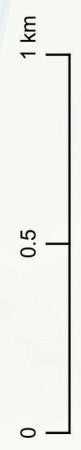


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 19 of 39**



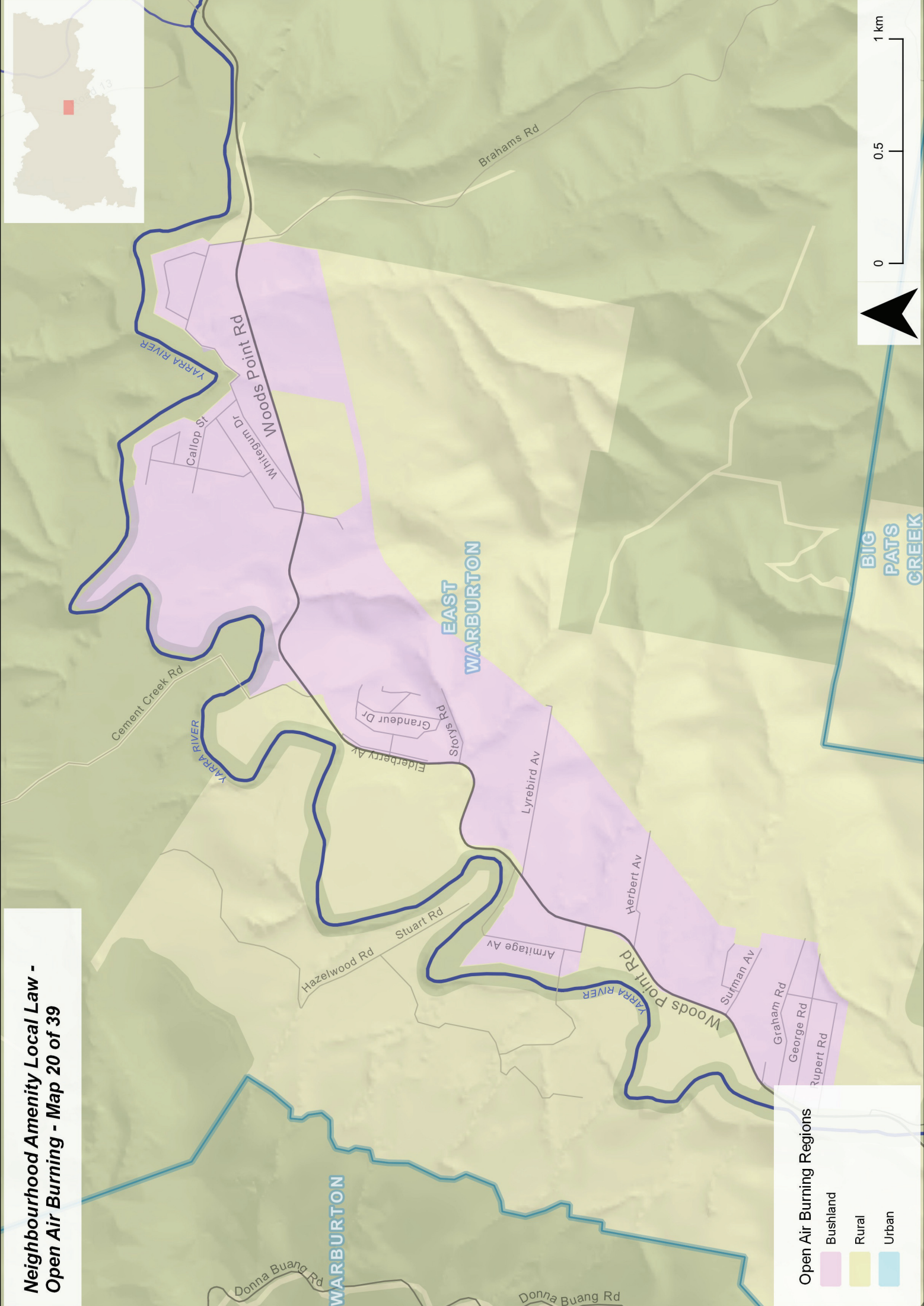
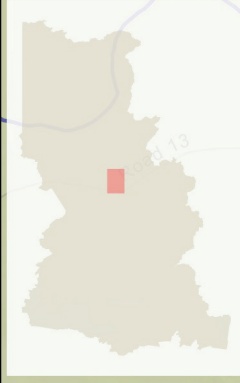
**Open Air Burning Regions**

-  Bushland
-  Rural
-  Urban





**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 20 of 39**



**Open Air Burning Regions**

- Bushland
- Rural
- Urban

**WARBURTON**

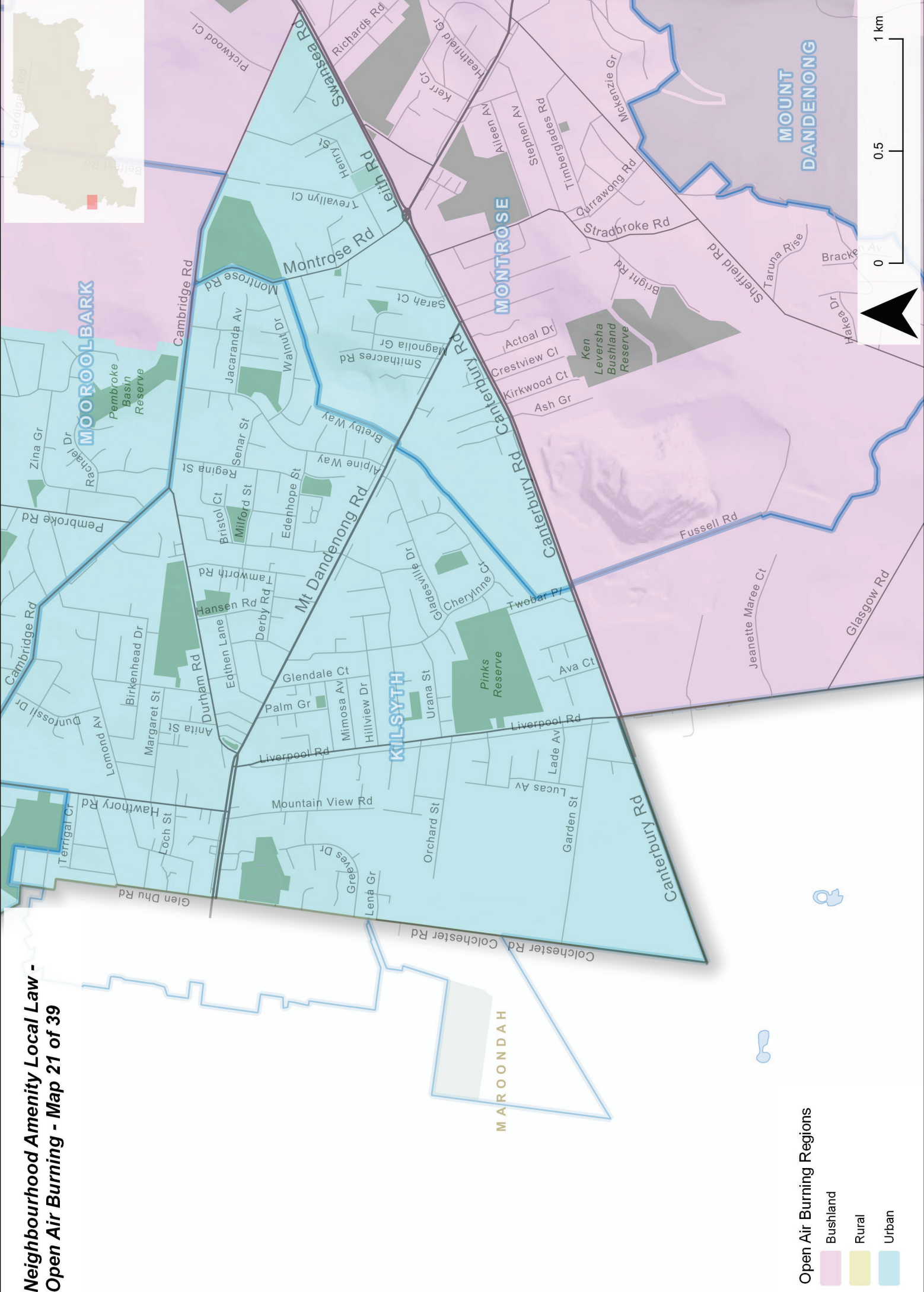
**EAST  
WARBURTON**



0 0.5 1 km

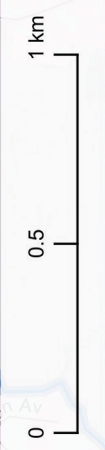


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 21 of 39**



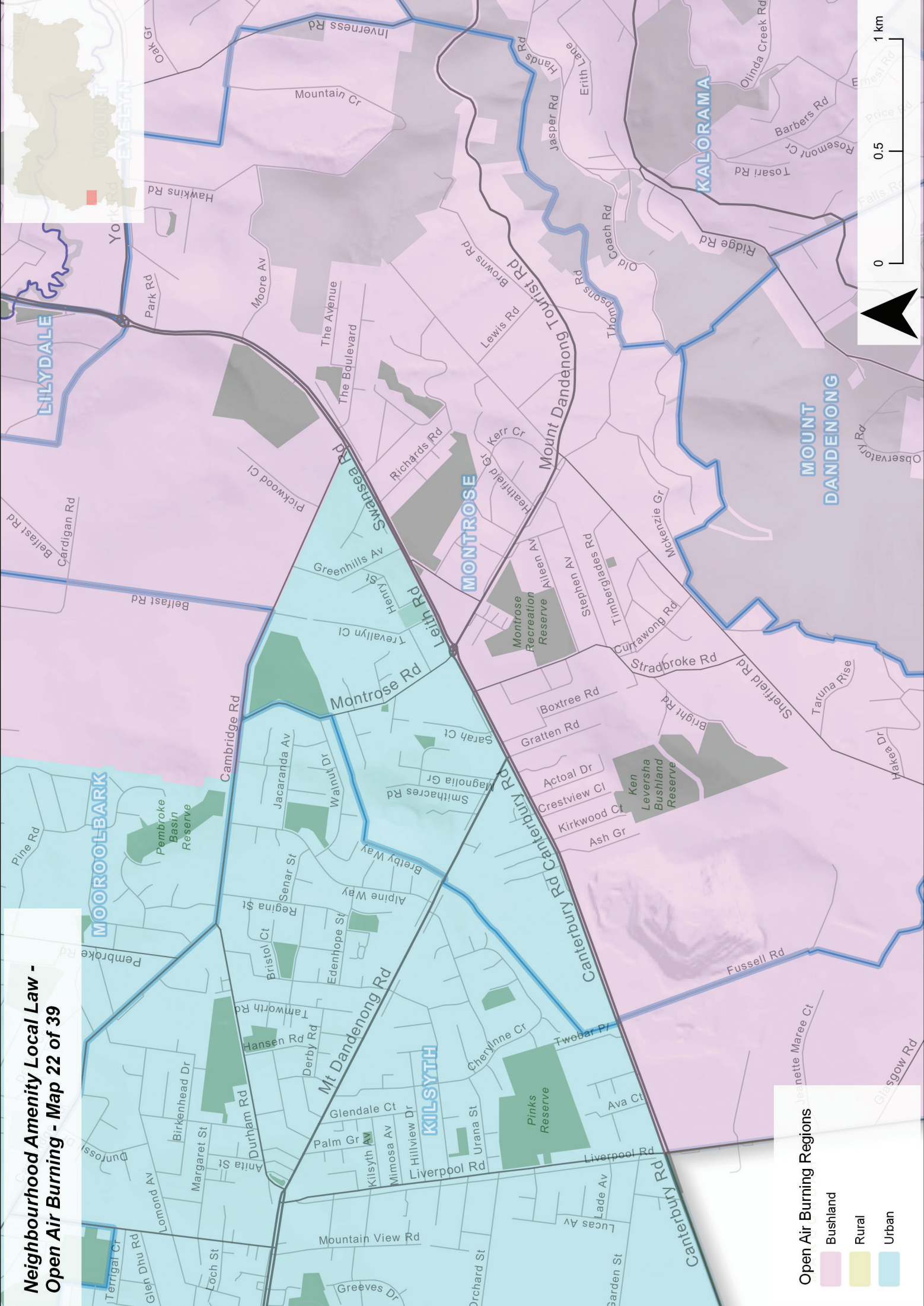
**Open Air Burning Regions**

- Bushland
- Rural
- Urban





**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 22 of 39**



**Open Air Burning Regions**

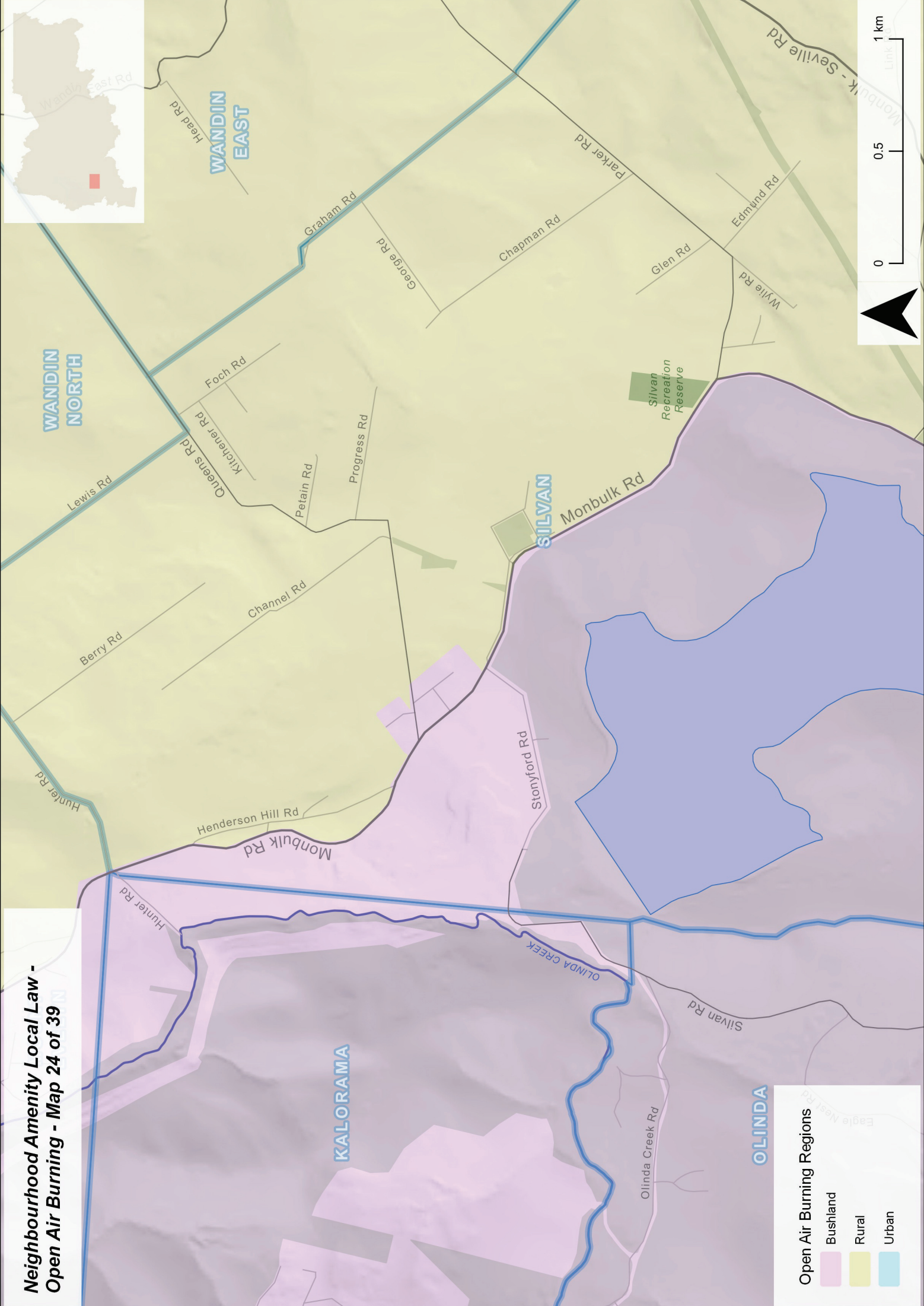
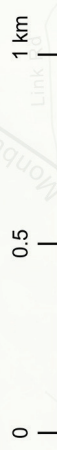
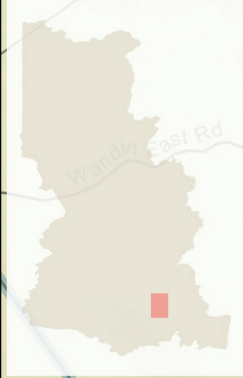
- Bushland
- Rural
- Urban







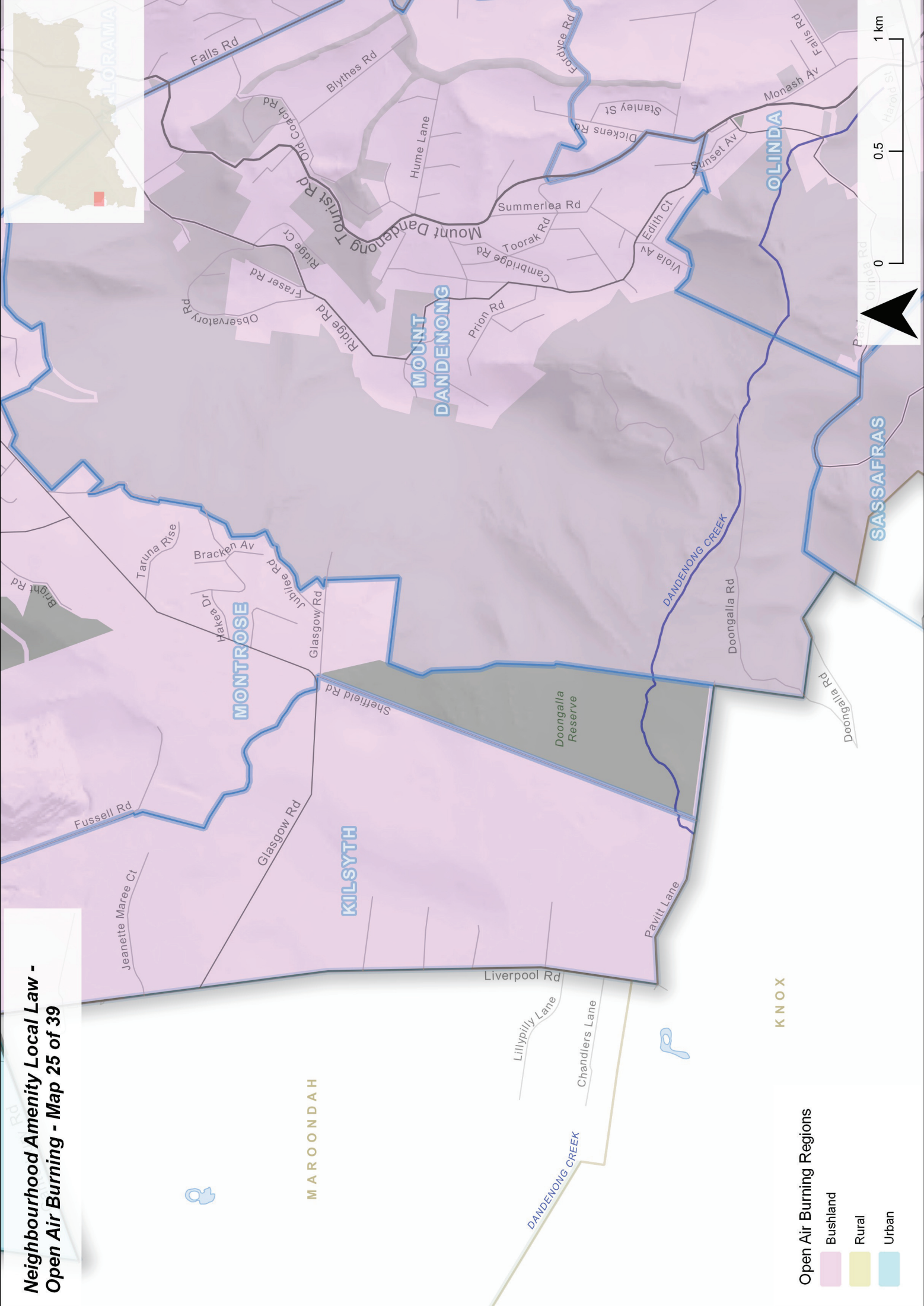
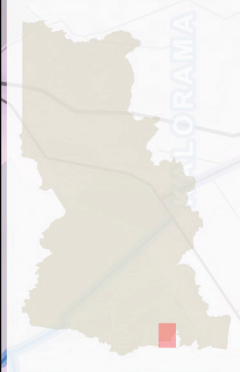
**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 24 of 39**



**Open Air Burning Regions**

- Bushland
- Rural
- Urban

**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 25 of 39**



- Open Air Burning Regions**
- Bushland
  - Rural
  - Urban

**KNOX**

**MAROONDAH**

**MONTROSE**

**KILSYTH**

**MOUNT  
DANDENONG**

**OLINDA**

**SASSAFRAS**

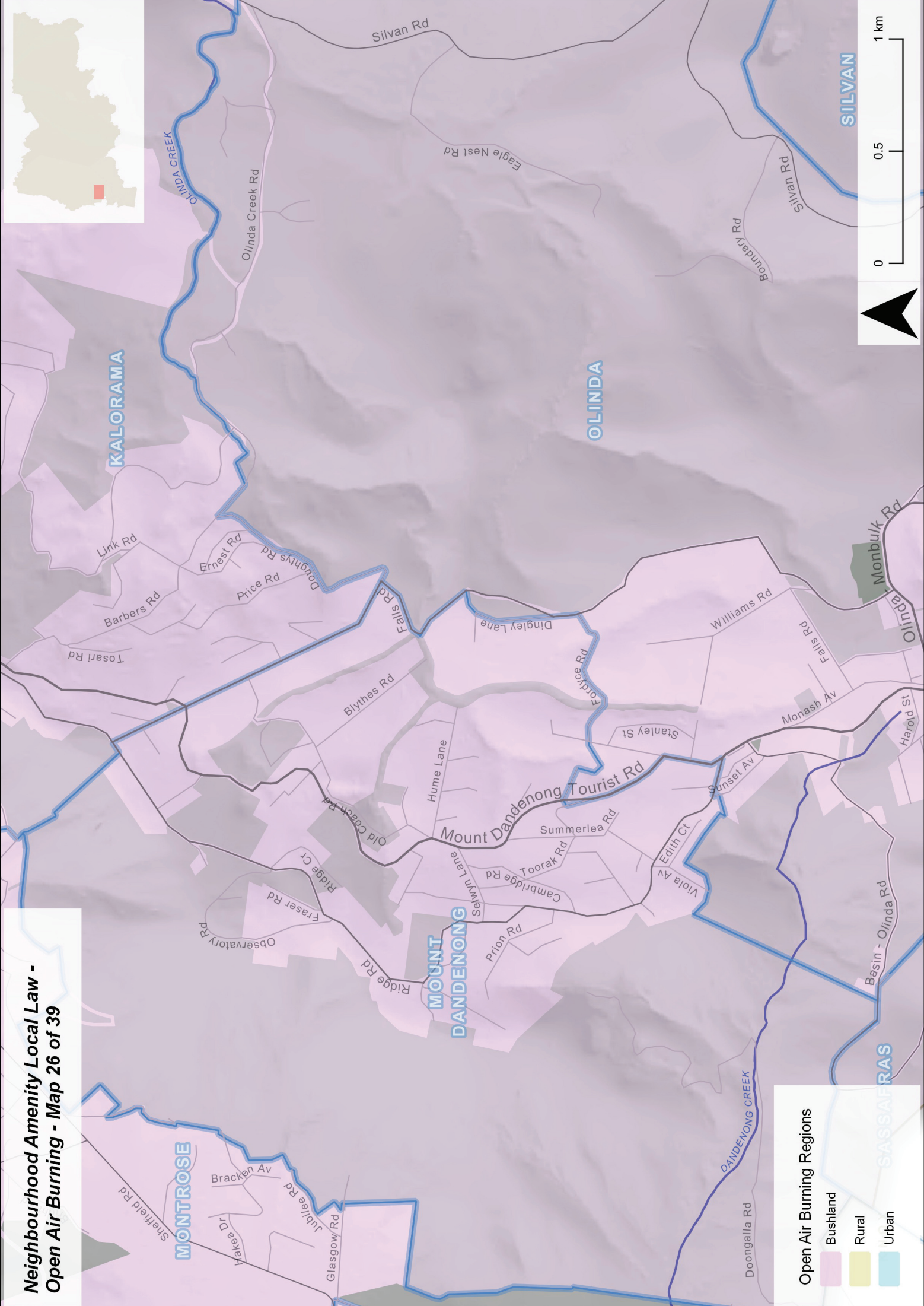
DANDENONG CREEK

DANDENONG CREEK

Doongalla Reserve



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 26 of 39**

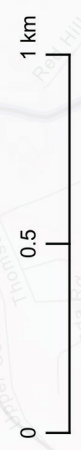
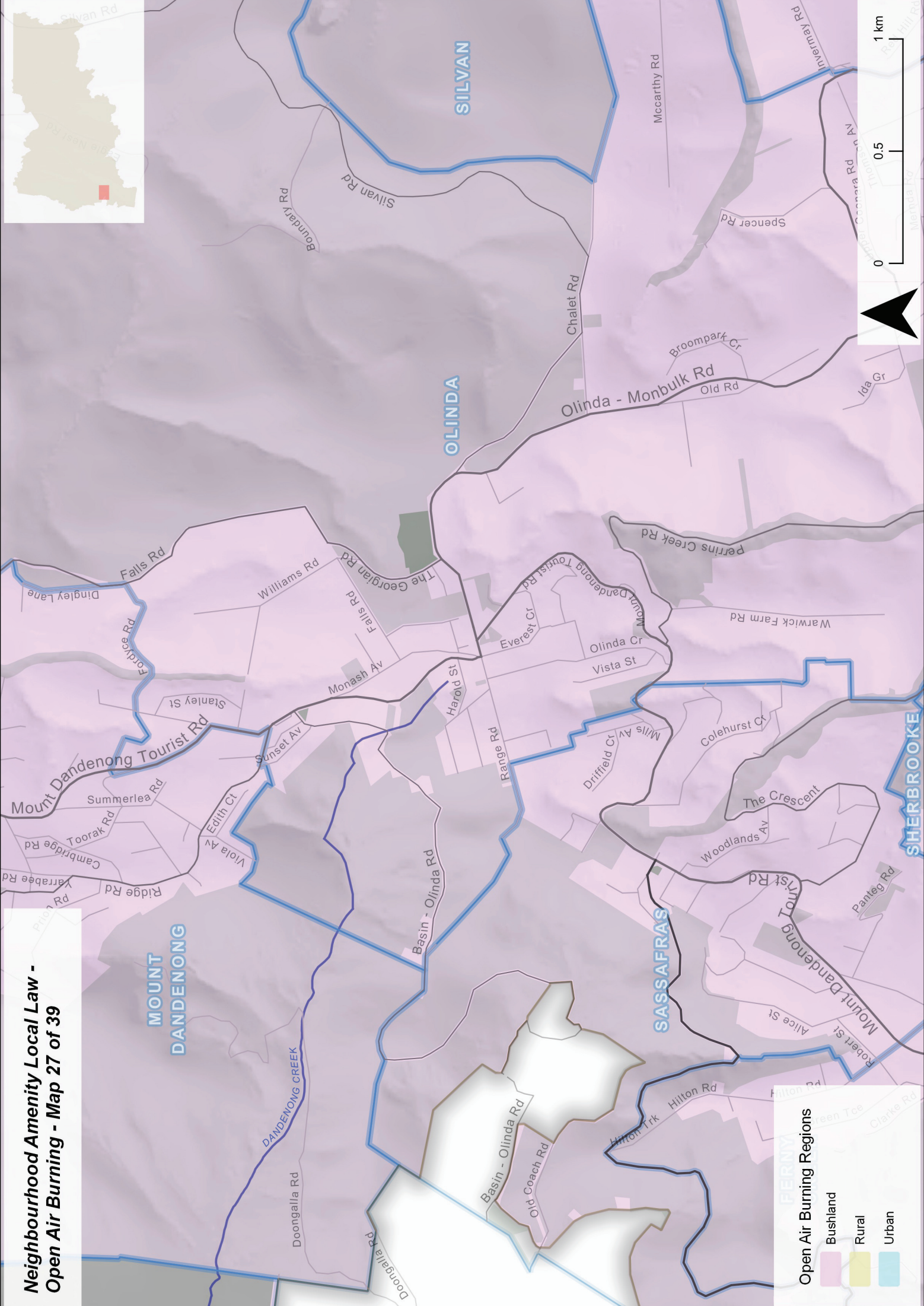


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 27 of 39**

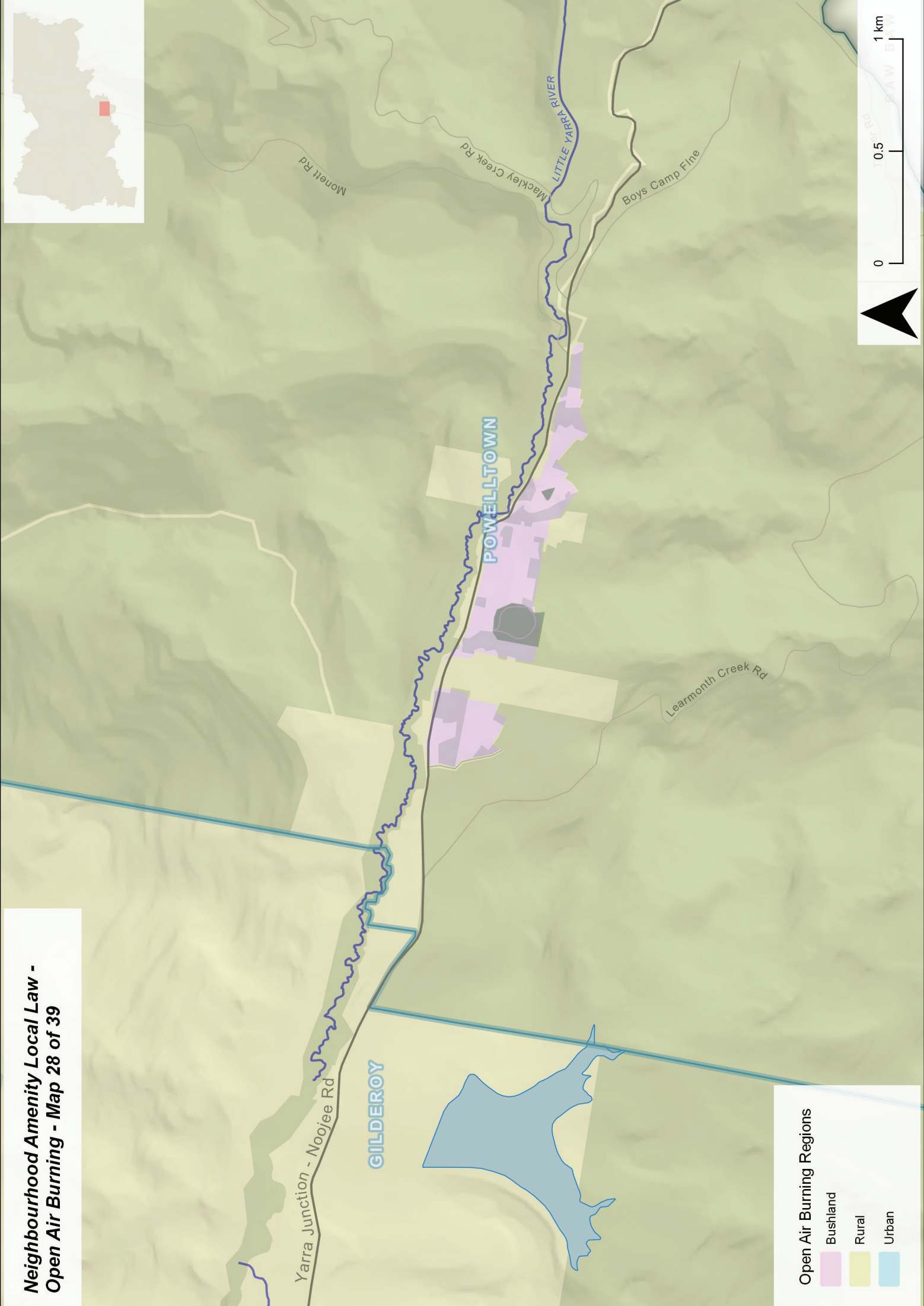
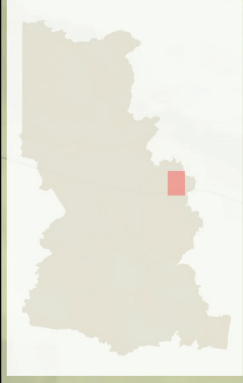


**Open Air Burning Regions**

- Bushland
- Rural
- Urban

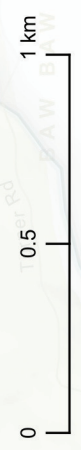


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 28 of 39**



**Open Air Burning Regions**

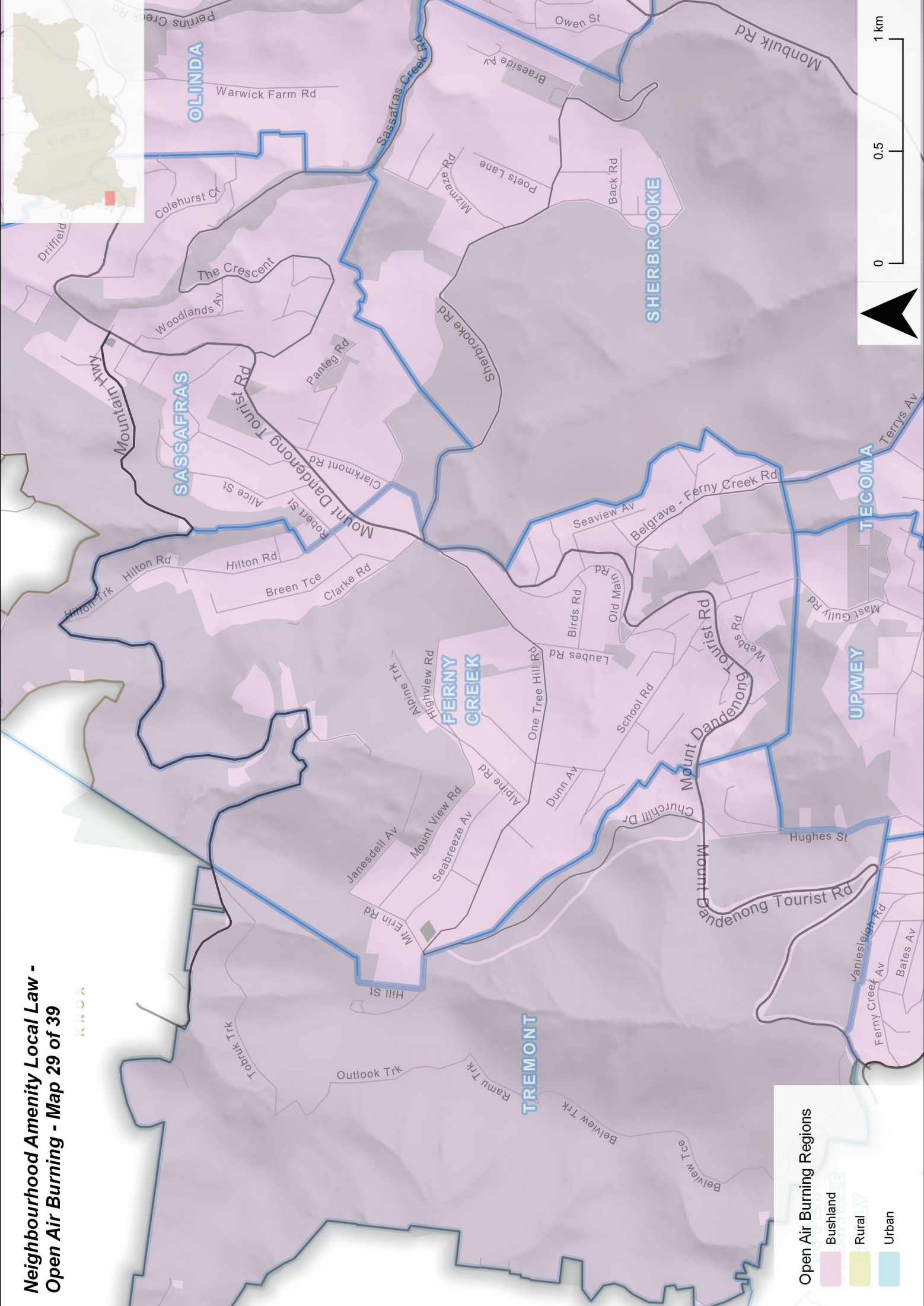
- Bushland
- Rural
- Urban





# Neighbourhood Amenity Local Law - Open Air Burning - Map 29 of 39

KNOK

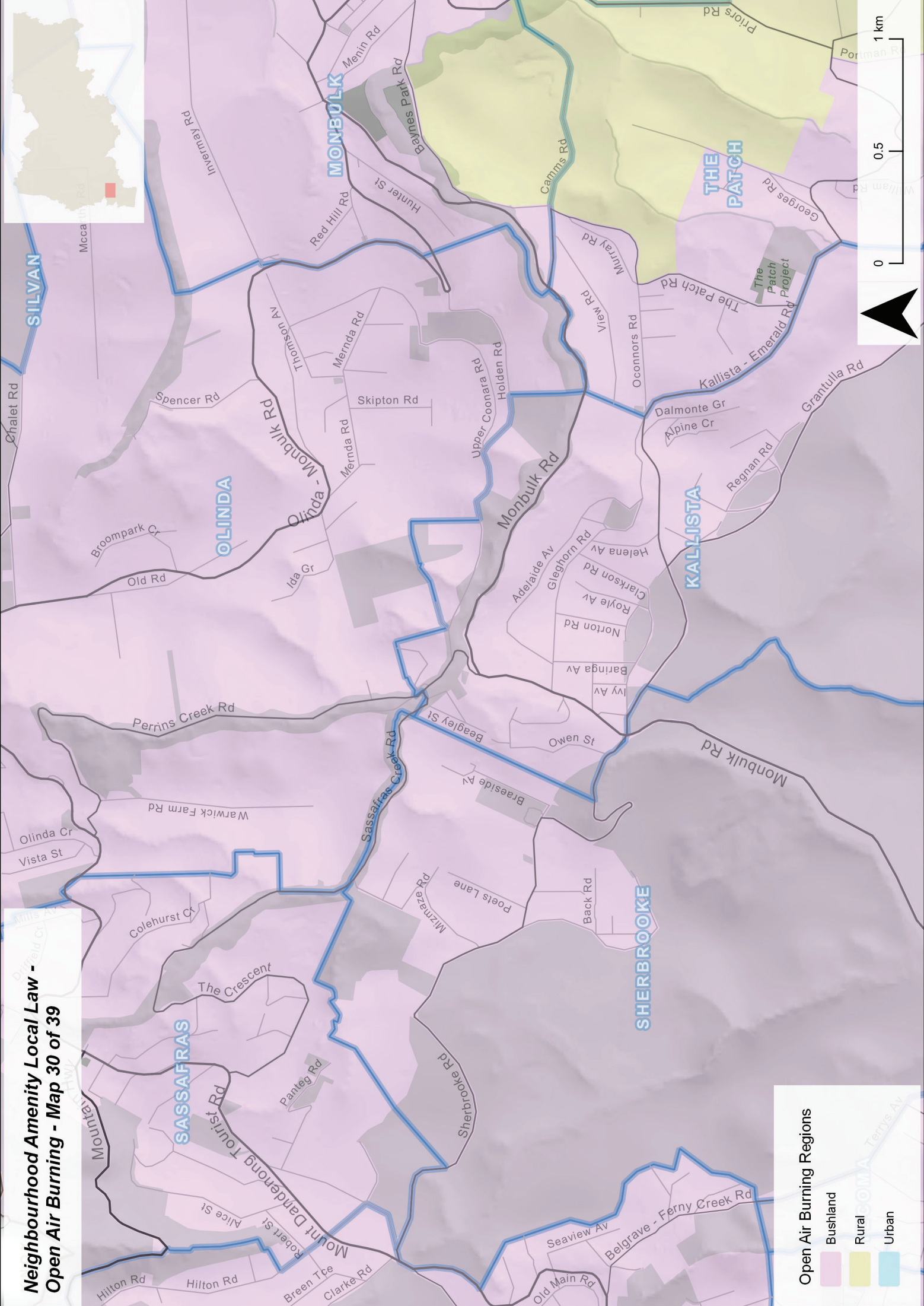


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 30 of 39**

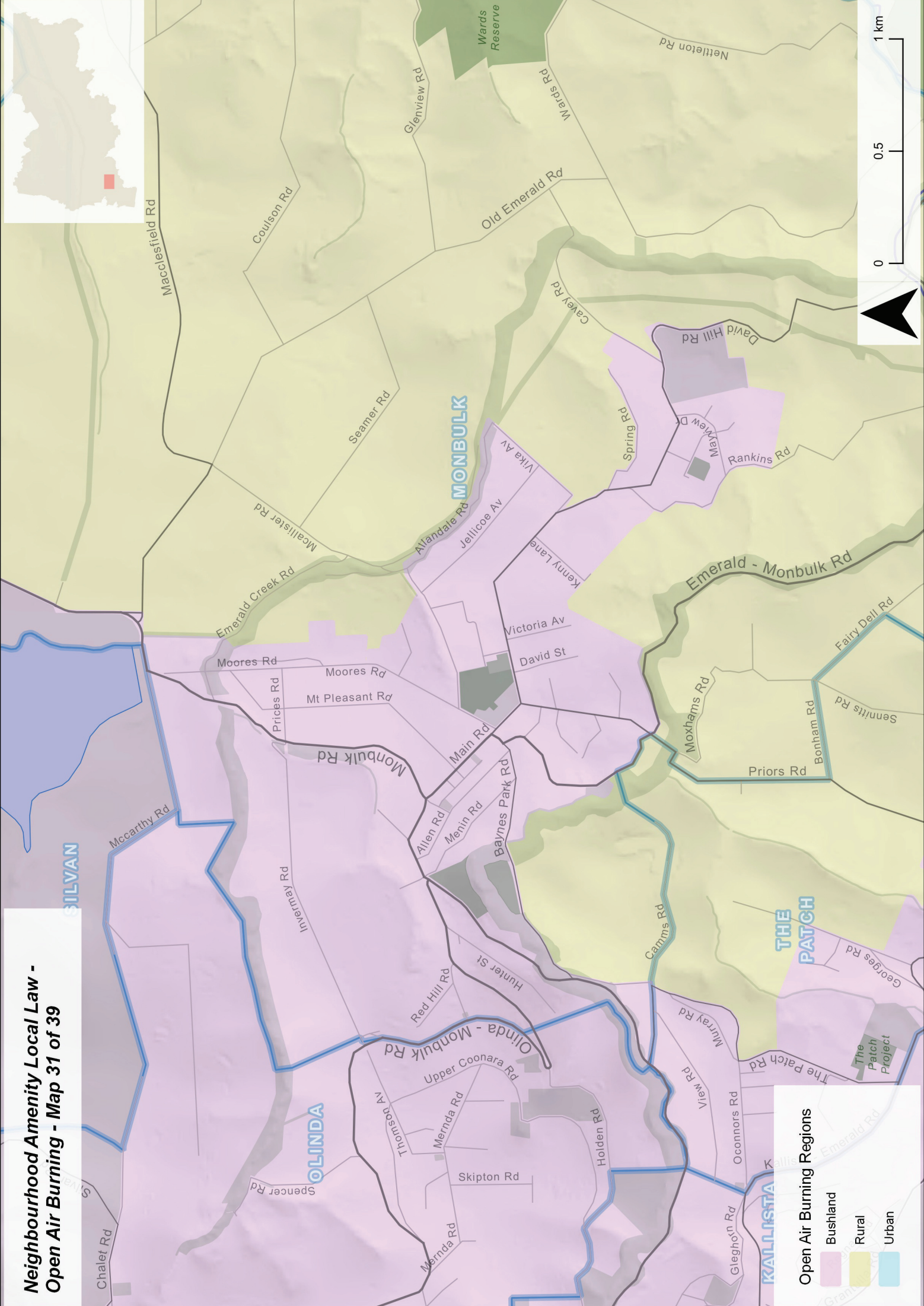
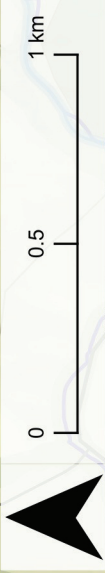
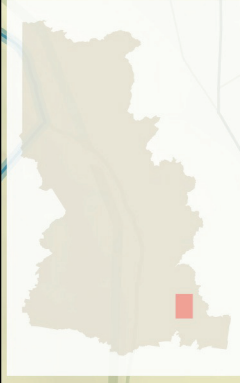


**Open Air Burning Regions**

- Bushland
- Rural
- Urban



# Neighbourhood Amenity Local Law - Open Air Burning - Map 31 of 39



**Open Air Burning Regions**

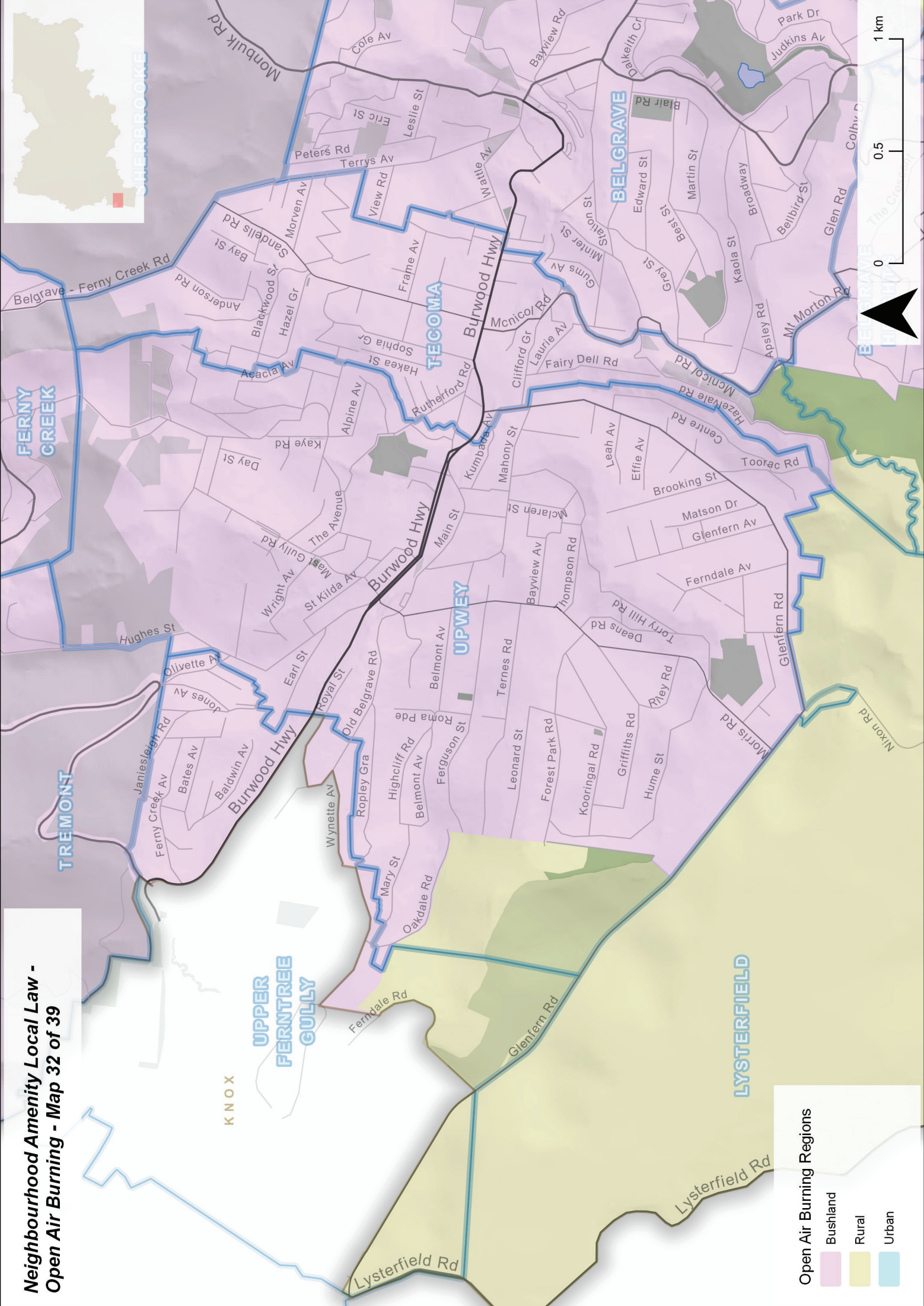
- Bushland
- Rural
- Urban



# Neighbourhood Amenity Local Law - Open Air Burning - Map 32 of 39



SHERIBROOKE



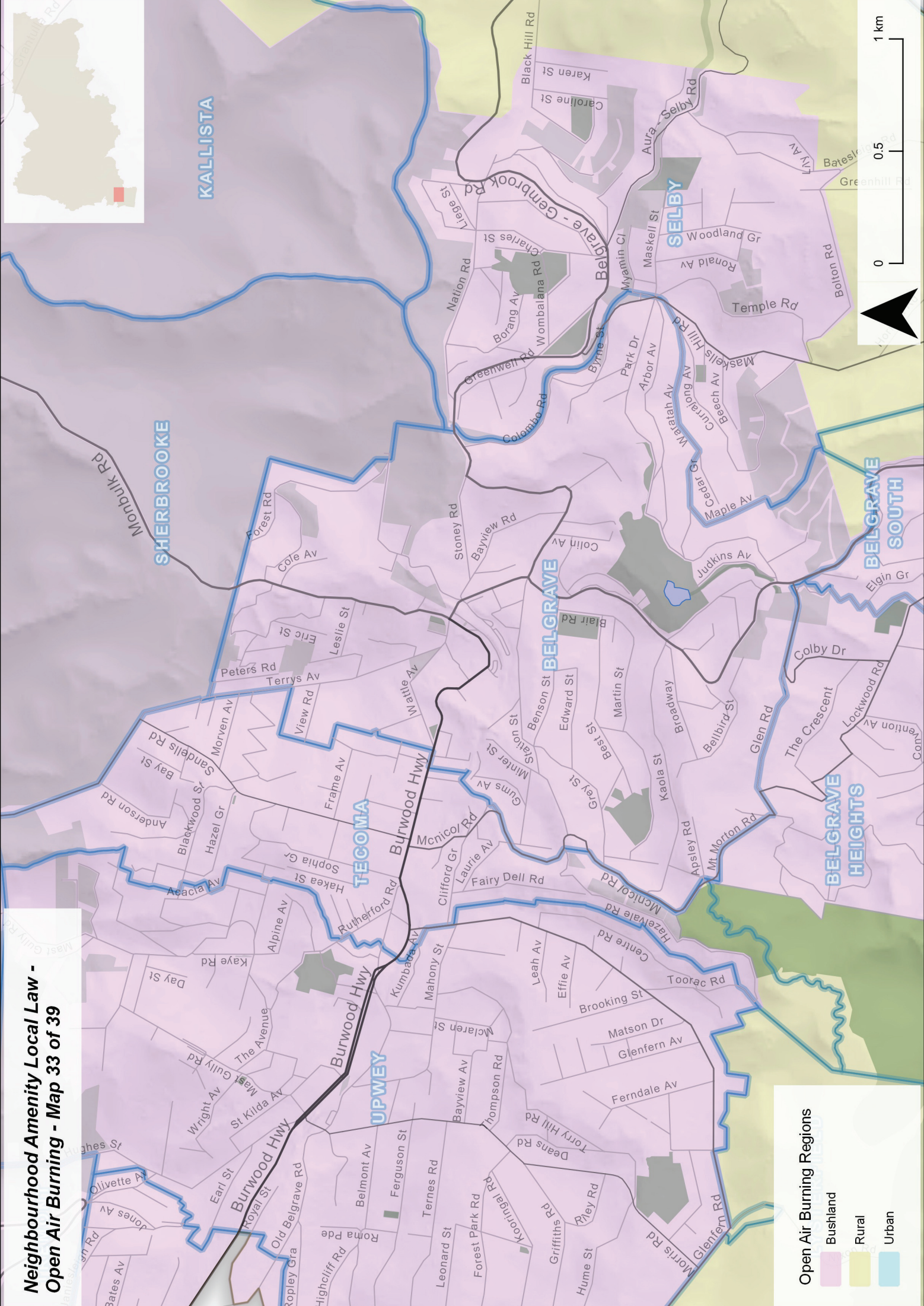
**Open Air Burning Regions**

- Bushland
- Rural
- Urban

KNOX

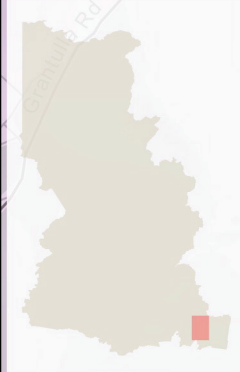


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 33 of 39**



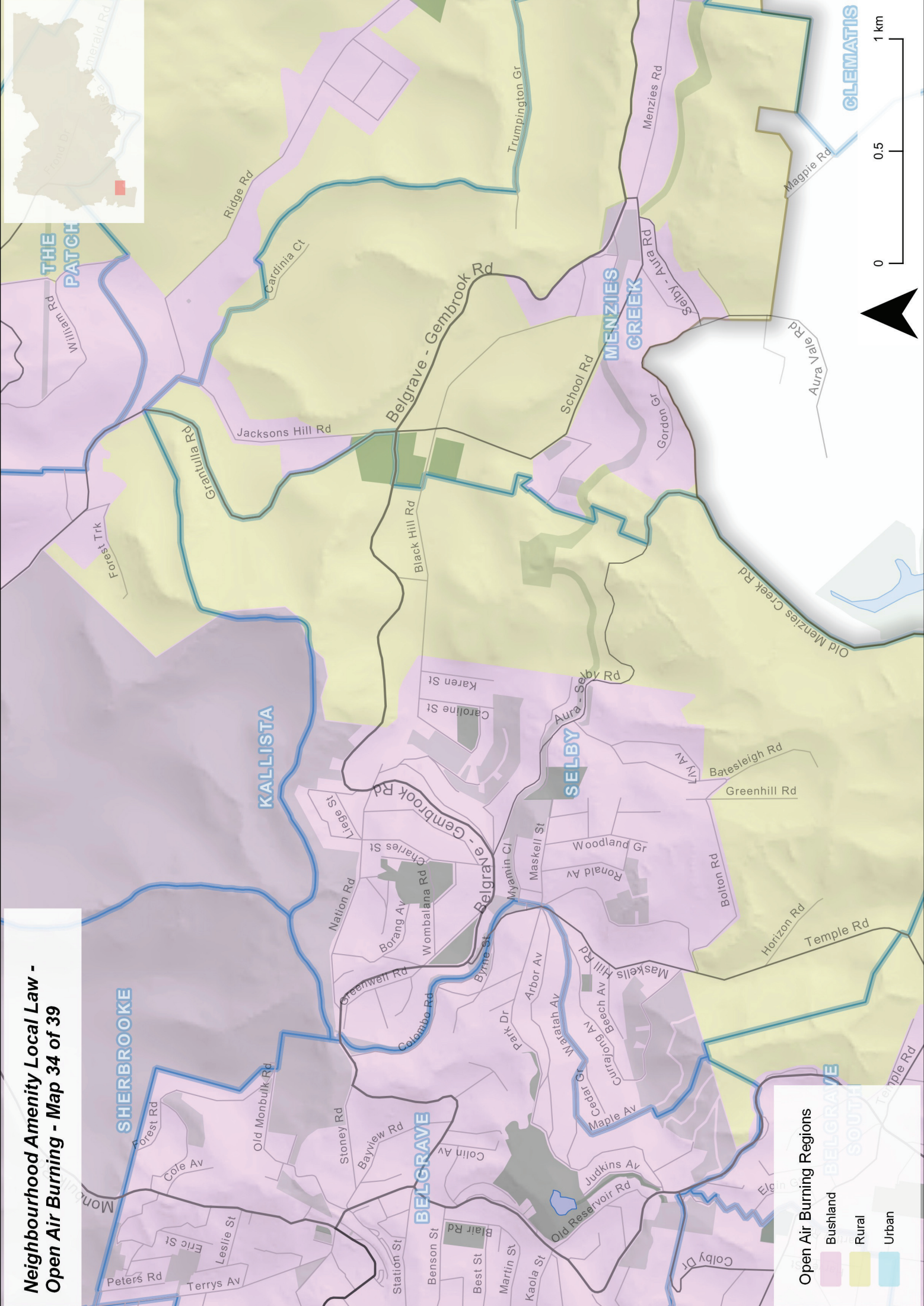
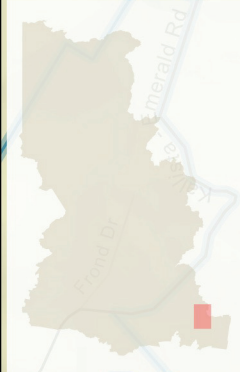
**Open Air Burning Regions**

- Bushland
- Rural
- Urban





**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 34 of 39**



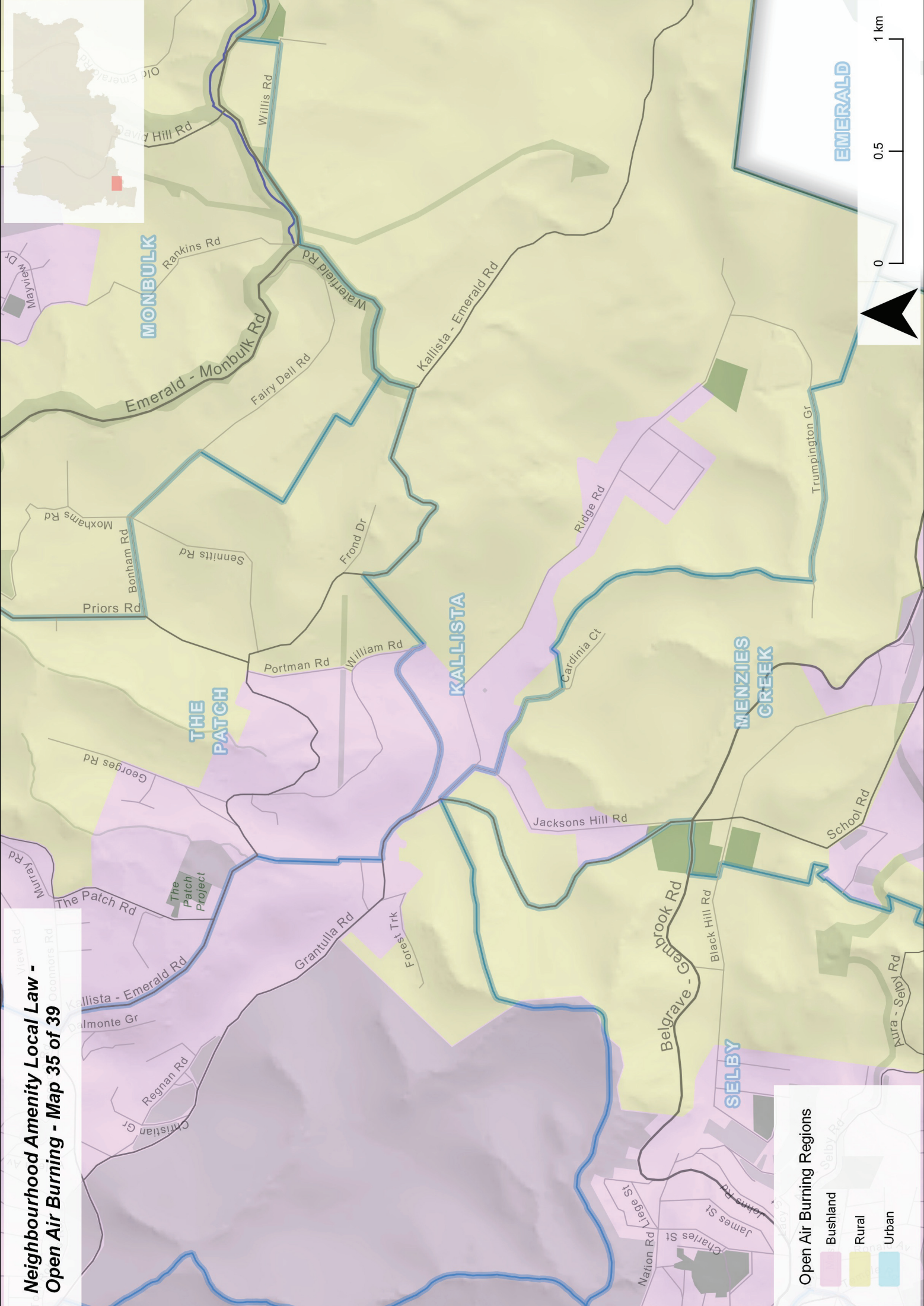
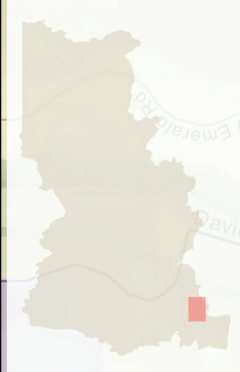
**Open Air Burning Regions**

- Bushland
- Rural
- Urban





**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 35 of 39**



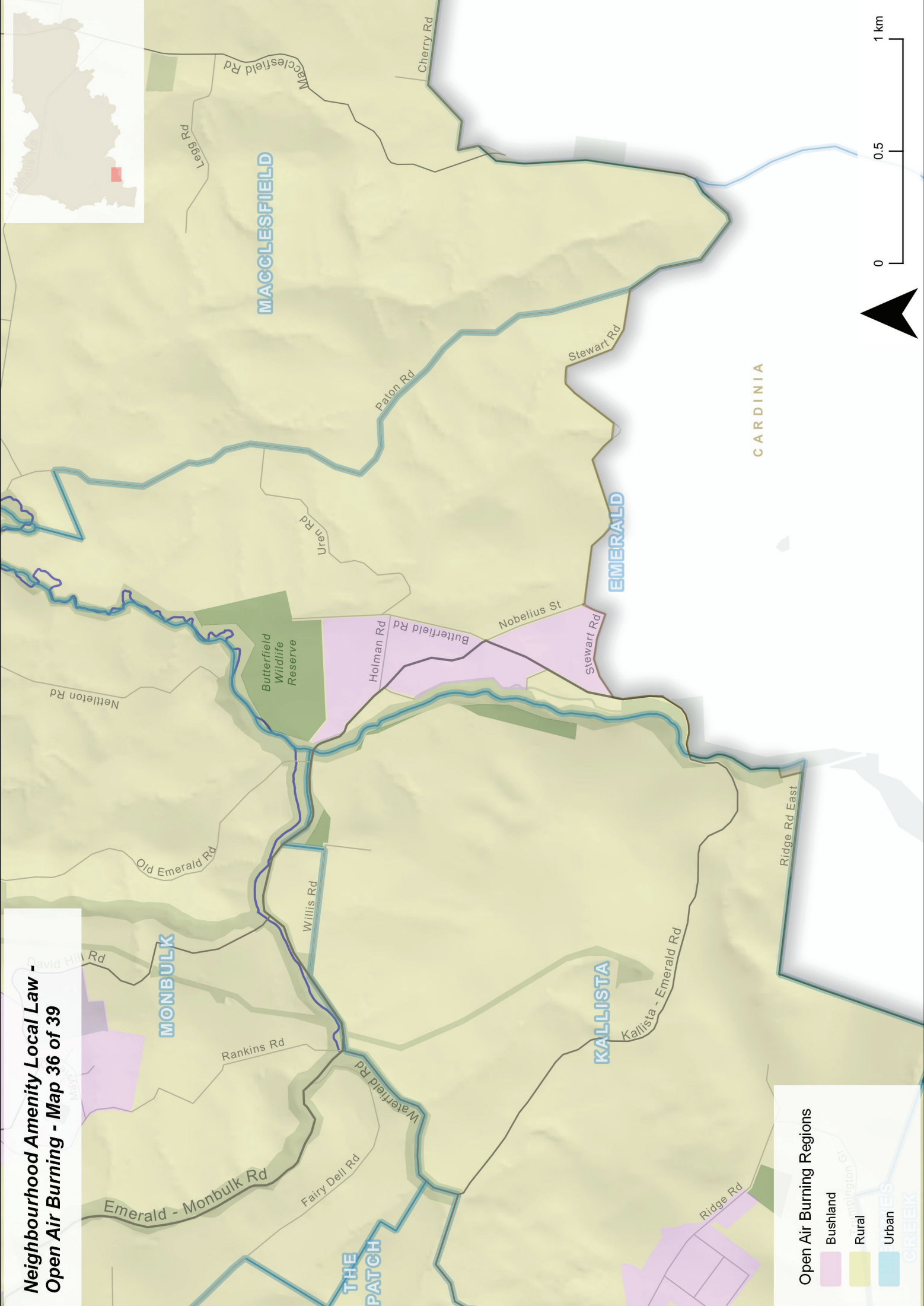
**Open Air Burning Regions**

- Bushland
- Rural
- Urban





**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 36 of 39**



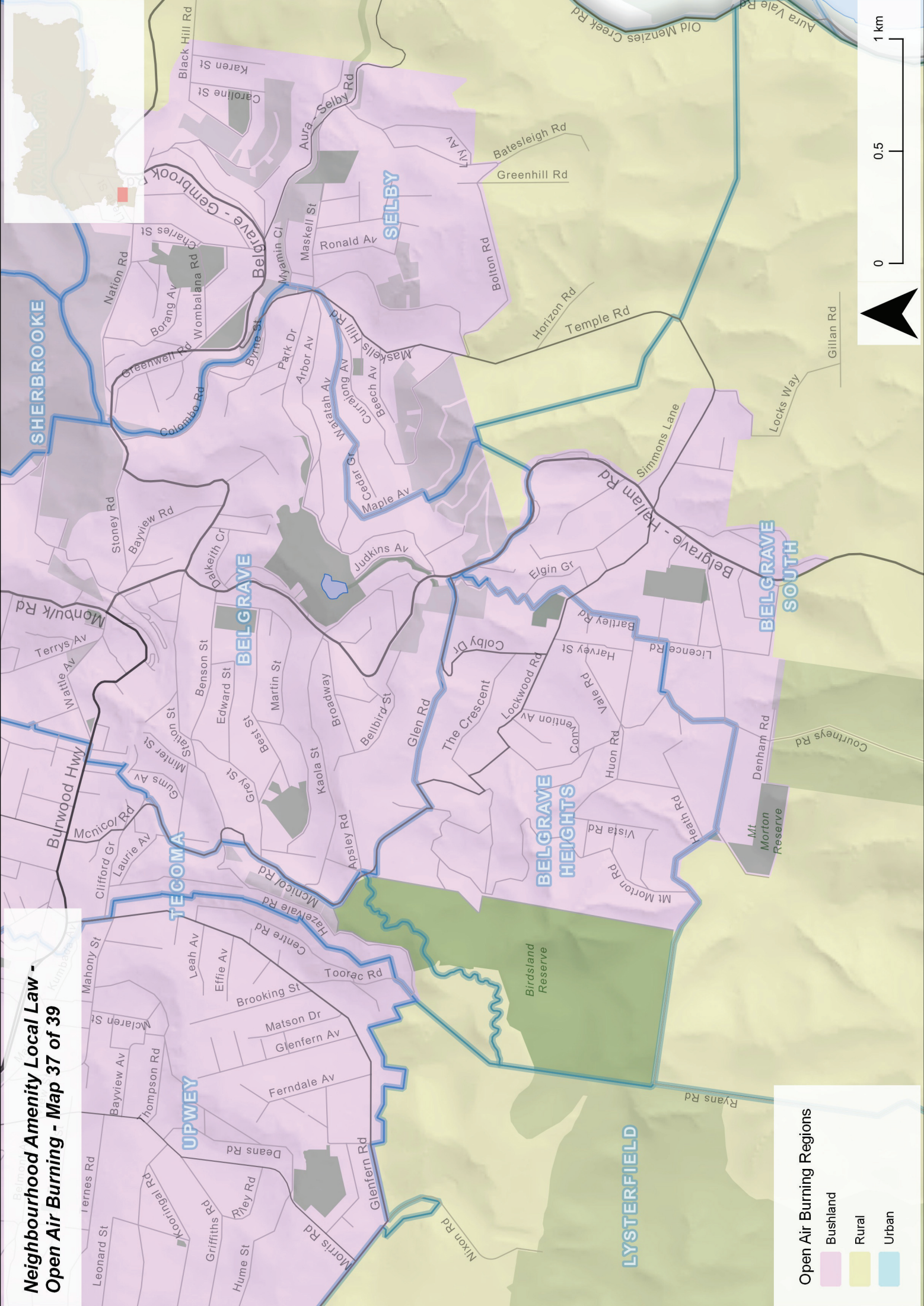
**Open Air Burning Regions**

- Bushland
- Rural
- Urban

GREIK

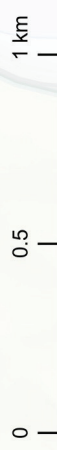


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 37 of 39**



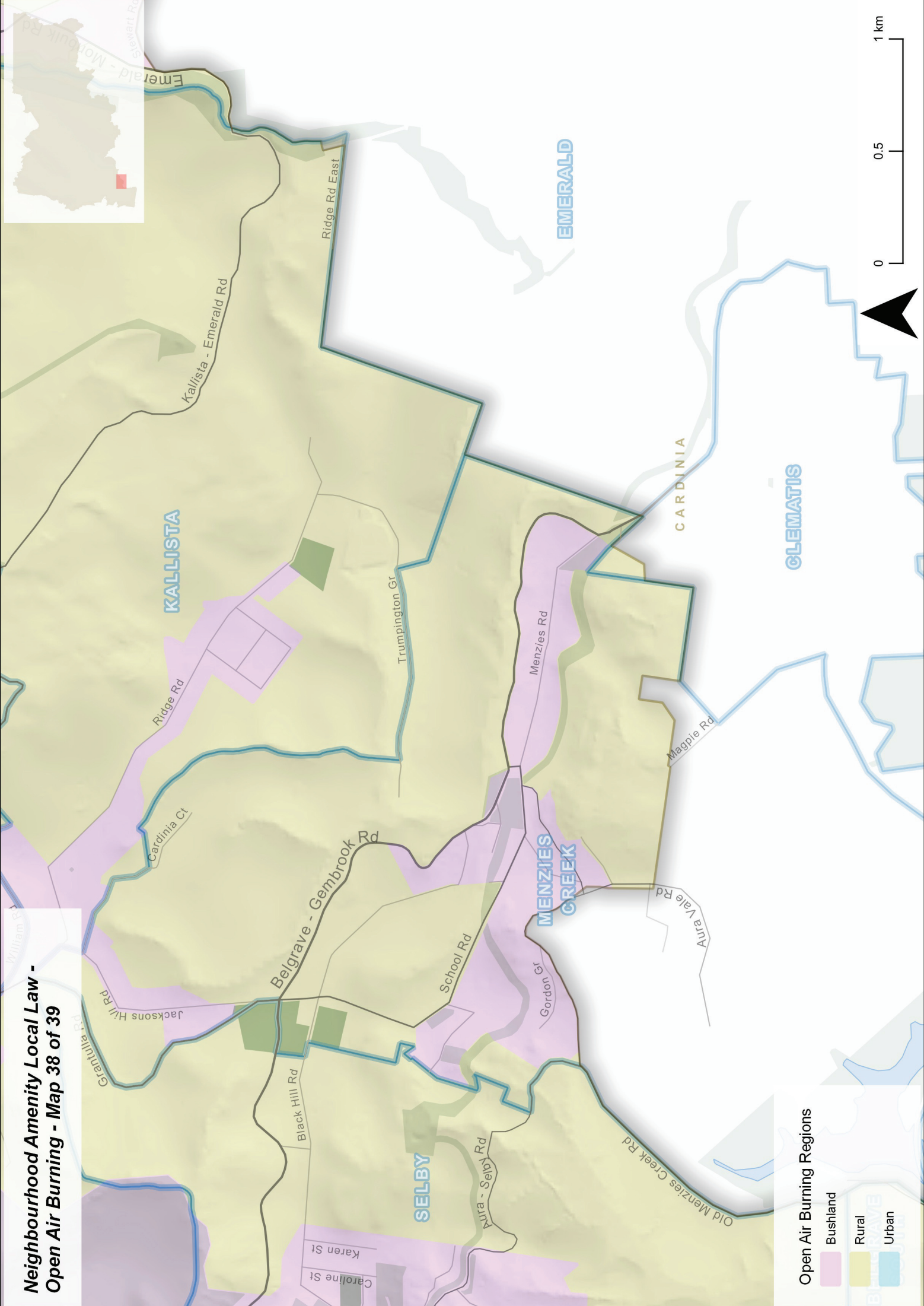
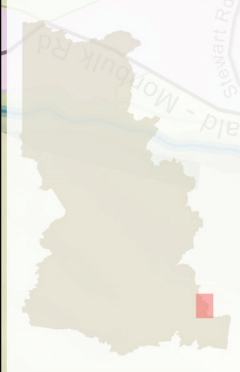
**Open Air Burning Regions**

- Bushland
- Rural
- Urban





# Neighbourhood Amenity Local Law - Open Air Burning - Map 38 of 39

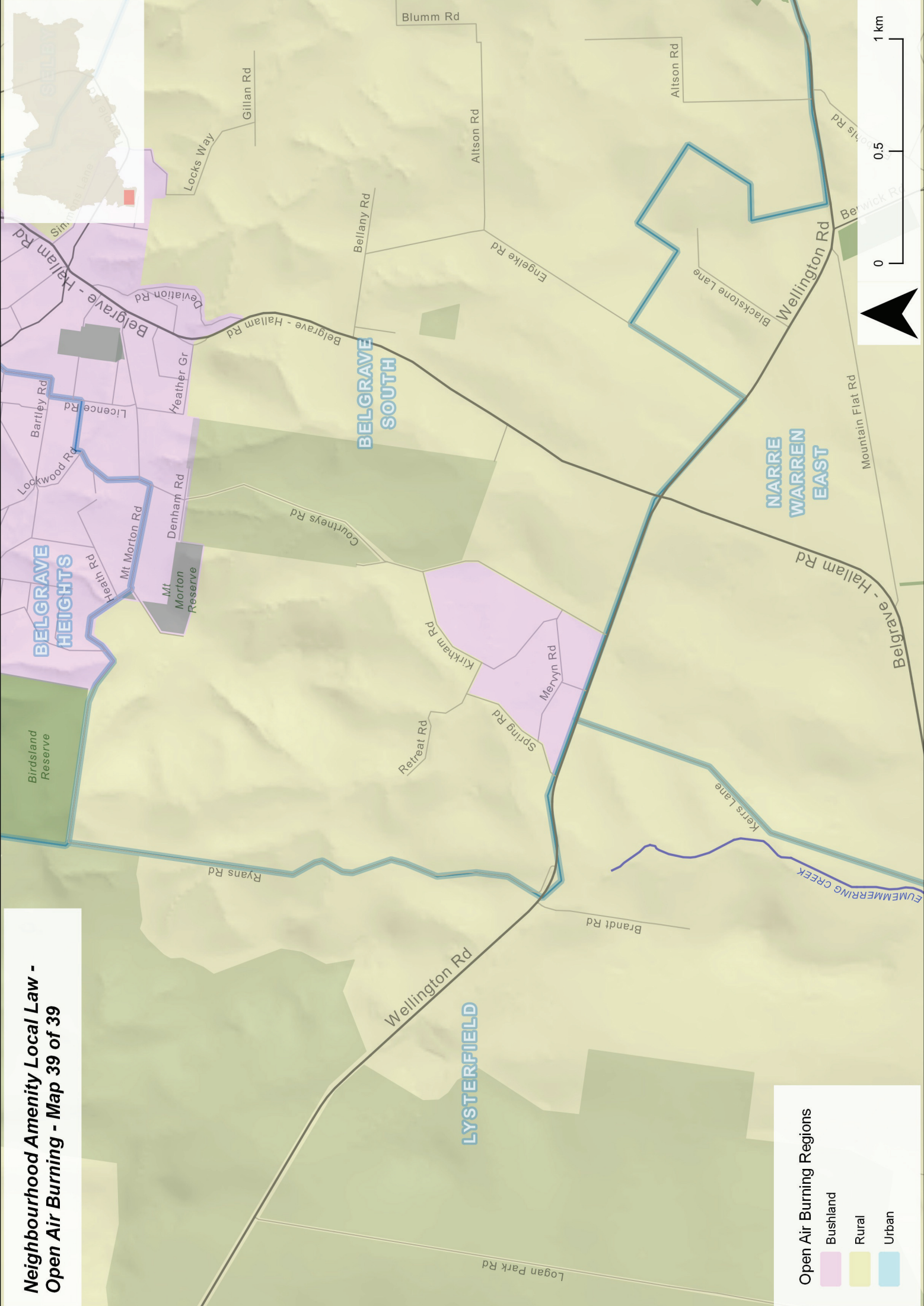


**Open Air Burning Regions**

- Bushland
- Rural
- Urban

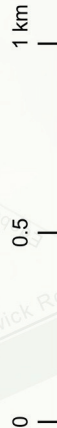


**Neighbourhood Amenity Local Law -  
Open Air Burning - Map 39 of 39**



**Open Air Burning Regions**

- Bushland
- Rural
- Urban



Resolution for the making of this Local Law was agreed to by the **Council** on the 25th day of August 2020.

The Common Seal of **YARRA RANGES SHIRE COUNCIL**

was affixed on the 3 day of September 2020

in the presence of:



\_\_\_\_\_  
Chief Executive Officer

