Local Law No. 1

Neighbourhood Amenity 2022

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PART 1 – PRELIMINARY

1. Title

(1) This Local Law is the "*Local Law No. 1 Neighbourhood Amenity 2022*".

2. Objectives

(1) The objectives of this Local Law are to:

(a) Secure community safety

(b) Protect public assets

(c) Enhance neighbourhood amenity

(d) Ensure the peace, order and good governance of the **municipal district.**

3. Authorising Provisions

(1) This Local Law is made under section 71 of the Local Government Act 2020.

4. Commencement

(1) This Local Law commences to operate on 21 July 2022, the day after it is made.

5. Cessation

(1) This Local Law ceases to operate on that day that is 10 years after its commencement, unless revoked earlier.

6. Revocation of Earlier Local Law

(1) Council's Local Law No. 1 Neighbourhood Amenity 2012 is revoked.

7. Application

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

(2) This Local Law does not apply where any act or thing is authorised by or under any Act, Rule, Regulation or the **Planning Scheme**.

(3) The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their duties and obligations would otherwise constitute a breach of this Local Law.

8. Definitions

Words and phrases	Meaning
Act	The Local Government Act 2020.
Advertising sign	Includes any placard, inflatable sign, portable electric sign, illuminated, revolving, spinning, or flashing sign, flag, banner, A-frame structure and other object or similar sign that can be securely and safely positioned, being of a fixed or transient nature including being affixed to a vehicle, trailer, bicycle, tricycle, trolley, or other object.
Abandoned vehicle	A vehicle which has been abandoned, including a vehicle: • the registration of which is listed as expired or cancelled; • which has no number plates; • which is registered but has not moved for at least 2 months; and • which is damaged and cannot move under its own power.
Alcohol	Has the same meaning as liquor.
Alcohol free area	Means any area prescribed by Council as alcohol free.
Animal	'Animal' excludes a person but is not limited to of the species or groups listed in the first column of the table in clause 23.
Animal waste	The excreta of any animal.
Appointed agent	The person authorised in writing by an owner of a building or land to make an application, appeal, referral, or representation on their behalf and includes a property manager.
ATM	Aggregate Trailer Mass (ATM) is the total mass of the trailer when carrying the maximum load recommended by the manufacturer.
Authorised Officer	Any person appointed by Council to be an Authorised Officer under sections 224 and 224A (members of Victoria Police) of the Local Government Act 1989.
Barbeque	A device used for the cooking of food outdoors whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel, or any combination of them and includes a device for spit roasting when used outdoors.
Builder	A person who has been nominated as the builder on a building permit and, if no building permit has been issued, the person in charge of building work being carried out, the person actually conducting building work and the owner of the land on which building work is being carried out.
Building works	Works for or in connection with the construction, alteration, demolition or removal of a building in respect of which a building permit is required under the Building Act 1993.
Built up area	Has the same meaning as in the Road Safety Road Rules 2017.
Bulk rubbish container	A bin, container, skip, mobile storage unit or other structure designed or used for holding a substantial quantity of rubbish or storage and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with Council's kerbside waste collection services.
Busk / busking	To perform to the public, whether by acting, juggling, singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.
Camping / to camp	The occupation or use of a tent, makeshift structure, caravan, mobile home or any other moveable vehicle or relocatable building to provide accommodation.
Camping area	Any land within the Municipal District that has been declared by Council or

Words and phrases	Meaning
	other public authority to be a 'Camping Area' for the purposes of this Local Law.
Caravan	Any moveable vehicle which includes sleeping and/or living facilities, whether manufactured to luxury standard or privately converted from a standard vehicle, and includes a caravan, camper trailer, campervan, mobile home and other similar towed living/sleeping trailer facility.
Chief Executive Officer	The Chief Executive Officer of Council and any person acting in that position, and includes a person authorised by the Chief Executive Officer to act on his or her behalf in relation to this Local Law.
Clothing / donation bin	A bin or similar container used for the collection of used clothing and/ or other goods.
Council	Bass Coast Shire Council.
Council land	Any land owned, vested in, or under the control or management of Council including, but not limited to, a road, municipal reserve or other reservation, watercourse, foreshore or boat ramp.
Delegated officer	A staff member of Council staff with delegation to perform a duty or function or to exercise a power conferred by this Local Law.
Droving	The movement of livestock along a road or through a public area.
E-cigarette	Has the same meaning as in the Tobacco Act 1987.
Event	An organised recreational, cultural, commercial or social event or gathering of people.
E-waste	Any waste item that uses a plug, battery or power cord.
Fence / fencing	An enclosure by design or intent that is used for the confinement of an Animal, for security, privacy, amenity or boundary marking and may include (but is not limited to) a gate, grid or similar structure.
Film Friendly Principles	Has the same meaning as in the Filming Approval Act 2014.
Filming	The recording of a single image or series of images for any commercial purpose and/or television broadcasting purpose by a camera or other device equipped with a one or more light sensitive lenses, capable of capturing and/or transmitting those images to any form of recording media and/or to any commercial and/or television broadcasting equipment, including any form of digital storage media in any location but excludes television news and any private non-commercial community and/or social media purposes.
Fire	Has the same meaning as in the Country Fire Authority Act 1958.
Fire Danger Period	Has the same meaning as in the Country Fire Authority Act 1958.
Fodder	Grass grown for the production of food for grazing animals or livestock either by grazing animals directly on the land, or for the production of hay.
Footpath	Has the same meaning as in the Road Safety Road Rules 2017.
Foreshore reserve	Any land, whether or not owned, vested in, or under the control or management of Council, adjacent to the waters of Westernport or Bass Strait or any inland lake, river, stream, creek or other waterway, but does not include a road.
Grazing	Allowing livestock to enter and remain on a road for the purpose of grazing.
GVM	The Gross Vehicle Mass of a vehicle.
Heavy vehicle	Has the same meaning as in the Heavy Vehicle National Law (Victoria).

Words and phrases	Meaning
Incinerator	Has the same meaning as in Section 38A(1A) of the Country Fire Authority Act 1958.
Infringement Notice	An Infringement Notice issued under the Infringements Act 2006.
Land	Has the same meaning as in the Interpretation of Legislation Act 1984.
Licensed premises	Premises licensed under the Liquor Control Reform Act 1998 to sell or serve alcohol and includes premises which have been granted a BYO permit under the Liquor Control Reform Act 1998.
Liquor	Has the same meaning as in the Liquor Control Reform Act 1998.
Livestock	Has the same meaning as in the Impounding of Livestock Act 1994.
Long vehicle	Has the same meaning as in the Road Safety Rules 2017.
Manager	A person appointed by Council or the Chief Executive Officer to manage any Municipal Building, Municipal Reserve or other Municipal Place, or any other Authorised Officer or Delegated Officer.
Motor bike or other motorised recreational vehicle	A motor vehicle, whether registered or unregistered, used for recreational purposes on any land (excluding a road) and includes, but is not limited to, the following motor vehicles: (a) a motor vehicle with two (2) wheels, with or without a sidecar attached that is supported by a third wheel; (b) a motor vehicle with three (3) wheels that is ridden in the same way as a motor vehicle with two (2) wheels; and (c) any other motorised, recreational vehicle including, but not limited to, mini-bikes, trail bikes, monkey bike, motorised scooters, motorised go-carts and quad bikes, but excludes: (a) a motorised wheelchair, or other aid used by a Person with a disability or limited mobility; (b) a motorised farm vehicle that is being used for farming purposes; and (c) a motorised bicycle with a maximum capacity of 22 watt aggregate power.
Motor vehicle	Has the same meaning as in the Road Safety Act 1986.
Motorised toy vehicle	Any recreational vehicle which may be propelled or operated (including by remote control) by internal combustion, steam, gas, oil, electricity or any other power, but excludes a motor bike or other motorised recreational vehicle.
Moveable advertising sign	Any moveable board, notice, structure, banner, or other similar device used for the purposes of notifying a sale, soliciting sales, or notifying people of the presence of an adjacent property where goods or services may be obtained.
Municipal building	Any building (and its grounds) owned by, vested in, or under the control or management of Council, which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access.
Municipal district	The municipal district of the Council.
Municipal place	Any place within the municipal district that is owned by, vested in, or under the control or management of Council, which the public may or may not have access to (whether an admittance fee is required or not), including a municipal reserve, foreshore reserve, library and municipal building but excluding a road.

Words and phrases	Meaning
Municipal reserve	Any land, waterway and water course owned by, vested in, or under the control or management of Council, and used or set aside as a reserve but excludes a road and any areas leased to other parties.
Notice to Comply	A Notice to Comply issued by Council or by an Authorised Officer or Delegated Officer under this Local Law.
Noxious weed	Has the same meaning as in section 3 of the Catchment and Land Protection Act 1994.
Occupier / occupant	The person or persons in charge, or having the management or control of, or legally entitled to occupy land (including premises) and includes the owner of the land, a lessee and licensee of the land, and a person who occupies short stay rental accommodation for short stay purposes.
Online	Electronically via Council's website.
Outdoor eating facility	Any tables and/or chairs that are used for commercial purposes and are located outdoors at which food or drinks are served and may be consumed.
Owner	In relation to land means the person who is registered on the Certificate of Title as the owner of the land, or the person who is entitled to be so registered, or the person who is otherwise entitled to exercise any rights of ownership of the land.
Penalty unit	Has the same meaning as in the Sentencing Act 1991.
Permit	A permit issued by Council under this Local Law.
Permit holder	The person to whom a permit is issued.
Person	Person includes a natural person and a body corporate.
Planning Scheme	The Bass Coast Shire Planning Scheme.
Policy	A policy applied by Council from time to time for the purpose of the particular provision in which the term is used.
Private property	Any land which is privately owned or occupied, and structures and fixtures on such land.
Property address	The road name and street number allocated to a property within the municipal district and may include, where there are multiple tenements within a property or multiple properties at one street number, the use of lot or unit numbers.
Procession	An organised group of people progressing along a road or gathering for a ceremony or function and includes a fun run and/or bicycle event.
Protected tree	Means a tree with a single trunk circumference or combined trunk circumference greater than 155 centimetres measured at one metre above ground level but excluding species which are noxious weeds.
Public place landfill or recycling bin	Means a receptacle provided by Council in a public place for the purpose of receiving packaging, papers and other litter arising during the occupation or use of the public place by any person.
Registered Short Stay Rental Accommodation	Short Stay Rental Accommodation registered under this Local Law.
Registration	Registration under and for the purposes of this Local Law.
Registration fee	The fee for registration that is determined by Council by resolution from time to time.
Residential and non-residential waste bin	Means a landfill bin, recycling bin, organics bin or other designated bin provided by Council to a property.
Road	Road has the same meaning as in the Local Government Act 1989.
Service authority	An entity (whether publicly or privately owned) which provides or intends to provide water, sewerage, drainage, gas, electricity,

Words and phrases	Meaning
	telephone, telecommunications or like services under the authority of an Act of the Victorian or Commonwealth Parliament.
Shipping container	Has the same meaning as in the Planning Scheme.
Short stay rental accommodation	Means accommodation provided by the owner of a property, for fee or reward, to another person, for no more than 30 consecutive days on that property but does not include any property that is required to be registered under any other Act or regulation.
Short stay rental accommodation property	Private property used for Short stay rental accommodation.
Significant tree	Means a tree that is recorded on Council's Significant Tree Register.
Significant Tree Register	Means the register of significant trees adopted and maintained by Council under clause 30(3), as amended from time to time.
Smoke	Has the same meaning as in the Tobacco Act 1987.
Smoke free area	Means any area prescribed by Council as smoke free.
Substantiated complaint	Means a breach of this Local Law that has been investigated by an Authorised Officer or Delegated Officer who has determined that there are reasonable grounds for suspecting that an offence has been committed.
Street festival	An organised recreational, cultural, commercial or social gathering of people that is held in full or in part on a road.
Street party	An organised social gathering of people from one or several adjacent roads that is held in full or in part on a road.
Tobacco product	Has the same meaning as in the Tobacco Act 1987.
Total Fire Ban	Has the same meaning as in Section 40 of the Country Fire Authority Act 1958.
Trade waste	Any waste, refuse, slops, or other matter arising from or generated by any trade, industry, or commercial undertaking.
Trade waste bin	A purpose-built container for the deposit of trade waste that is ordinarily emptied by mechanical means.
Tree	Includes plants and shrubs.
Tree protection zone	Means the area surrounding a tree's trunk that contains the roots that are essential to the tree's continued health, vigour and stability, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk circumference measured at 1.4 m above its base.
Unmanaged European beehive	A colony of European honeybees hiving or swarming in an unmanaged capacity on private property.
Vehicle	Has the same meaning as in the Road Safety Road Rules 2017.
Vehicle crossing	The constructed surface between the road pavement to the property boundary for vehicle access, including any footpath section, crossing culverts, kerb and channel or layback.
Vermin	An animal that has been proclaimed as vermin under the Catchment and Land Protection Act 1994.
Waffle pods	Polystyrene or foam slabs, used in the construction of concrete slabs on building sites.
Water sensitive urban design	Water Sensitive Urban Design (WSUD) is the design of buildings, subdivisions and works to minimise the impact of development on the surrounding environment and waterways. WSUD involves treating and reducing stormwater flows, increasing soil moisture, urban greening and

Words and phrases	Meaning
	providing an alternative water source.
Wheeled recreational device	Has the same meaning as in the Road Safety Road Rules 2017.
Wheeled toy	Has the same meaning as in the Road Safety Road Rules 2017.
Wind energy facility	Has the same meaning as in the Clause 73.03 (Land Use Terms) of the Planning Scheme.
Wind turbine	Means a turbine principally used to supply electricity for domestic or rural use of land.

PART 2 – ADMINISTRATION

Division 1- Permits

9. Permit Application

(1) An application for a **permit** under this Local Law must be in a form approved by **Council** or issued by an **Authorised Officer** or **Delegated Officer** and accompanied by any appropriate fee prescribed by **Council**.

(2) **Council** may require an applicant to supply additional information before it deals with the application for a **permit**, renewal of a **permit**, or exemption.

(3) **Council** may require an applicant to give notice of an application for a **permit**, renewal of a **permit**, or exemption, in the manner determined by **Council**.

(4) A **permit** issued under this Local Law is non-transferrable to any other **person**. If a business changes ownership, the **permit** will cease and an application for a new **permit** will be required.

10. Granting and Refusal of Permits

(1) Council may:

(a) Issue a **permit**, with or without conditions; or

(b) Refuse to issue a **permit**.

(2) In considering an application for a **permit,** Council may take into account any of the following where relevant:

(a) Any relevant **Council** policies, codes of practice, standards and guidelines.

(b) Any submission that may be received in respect of the application;

(c) Any comments that may be made in respect of the application by any public authority, Government department, community organisation or any other body or **person**;

(d) The risk posed to public safety, property or **Council** assets by the proposed activity;

(e) Any anticipated impact or amenity issues of the proposed activity;

(f) Whether the concerns or issues raised regarding the proposed activities can be adequately controlled by **permit** conditions;

(g) The objectives of this Local Law; and

(h) Any other relevant matter.

(3) Where **Council** has refused to issue a permit under this Local Law, the person seeking the **permit** has twenty-eight (28) days from the date of Council's notice of refusal of **permit** to provide written reasons to **Council** as to why the **permit** should not be refused.

(4) If a written submission is received by **Council** within the twenty-eight (28) days, the

information provided shall be considered, and if applicable the **person** seeking the **permit** will be given an opportunity to be heard in support of their submission.

(5) All submissions will be considered before a final decision is made on the **permit** and the **person** seeking the **permit** will be advised in writing of that final decision no more than twenty eight (28) days after the submissions are received and/or heard, as the case may be.

11. Permit Conditions

(1) **Council** may attach such conditions to a **permit** as it deems appropriate.

(2) The conditions of a **permit** must be set out in the **permit**.

12. Duration of Permits

(1) Except where expressly stated in this Local Law or in a **permit**, a **permit** operates from the date it is issued and expires on 30 June the following year.

13. Correction of Permits

(1) **Council** may correct a **permit** if the **permit** contains:

(a) A clerical mistake or error arising from any accident, slip or omission; or

(b) A material miscalculation of figures or a material mistake in the description of any **person,** premises, thing or property referred to in the **permit**.

14. Cancellation of Permits

(1) **Council** may cancel a **permit** if it considers that:

(a) there has been a serious or ongoing breach of any of the conditions of the **permit;** or

(b) a **Notice to Comply** has been issued, but not complied with by the time specified in the **Notice to Comply**; or

(c) there was a significant error or misrepresentation in the application for the **permit**; or

(d) in the circumstances, the **permit** should be cancelled.

(2) Where **Council** has cancelled a **permit** under this Local Law, the **permit holder** has twenty-eight (28) days from the date of **Council's** notice of cancellation of **permit** to provide written reasons to **Council** as to why the permit should not be cancelled.

(3) If a written submission is received by **Council** within the twenty-eight (28) days, the information provided shall be considered, and if applicable the person seeking the permit will be given an opportunity to be heard in support of their submission.

(4) All submissions will be considered before a final decision is made on the cancellation of the **permit** and the **permit holder** will be advised in writing of that final decision no more than twenty eight (28) days after the submissions are received and/or heard, as the case may be.

15. Record of Permits

(1) A record of **permits** issued by **Council** for the purposes of this Local Law must be maintained by **Council**.

(2) Any cancellations or corrections of **permits** which have been issued under this Local Law are also to be recorded by **Council**.

Division 2 – Fees, Charges and Costs

16. Setting Fees and Charges

(1) **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.

17. Differential or Structured Fees and Charges

(1) In determining any fees and charges, **Council** may establish a system or structure of fees and charges, including minimum and maximum and pro-rata fees or charges.

18. Waiver of Fees and Charges

(1) **Council**, an **Authorised Officer** or a **Delegated Officer** may waive the whole or part of any fee or charge otherwise payable under this Local Law, with or without conditions, upon receipt of a written submission from the applicant stating reasons why any such fee or charge should be reconsidered.

PART 3 – PROPERTY AND NEIGHBOURHOOD AMENITY

Division 1 – Property

19. Property Addresses

(1) **Council** may allocate a **property address** to each property in the **municipal district** and, from time to time, may make changes to **property addresses**.

(2) For each property that has been allocated a **property address** under sub-clause (1), the owner or occupier must mark the **private property** with the street number allocated, which number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the **road** which the **private property** fronts, under all normal lighting conditions.

(3) An **owner** or **occupier** must not use an address other than the **property address** for the **private property.**

20. Unsightly and Dangerous Properties

(1) An **owner** or **occupier** of **private property** must ensure that the **private property** and any structure on the **private property**:

(a) Does not constitute a danger to health of a **person** or **animal** or property;

(b) Is not used in any manner so as to cause a nuisance or become detrimental to the amenity of the surrounding area; and

(c) Does not, through a lack of effective maintenance, misuse or ageing, fall into a state which is unsightly, or which detracts from or does not complement the amenity of the surrounding area.

(2) Without limiting subclause (1), **land** or a structure on the **private property** may be unsightly or detract from or not complement the amenity of the surrounding area by reason of the presence of:

(a) Unconstrained rubbish or **waste** material;

(b) Conditions conducive to the harbourage and breeding of **vermin**;

(c) Disused excavations;

(d) Excessive vegetation, including grass exceeding 300mm in height;

(e) Machinery, **vehicles, caravans, boats** or any or any parts of them;

(f) Scrap metal;

(g) Shipping containers, unless exempted under the **Planning Scheme**;

(h) A building which is incomplete and not currently being constructed; or

(i) A building or other structure or thing which is detrimental to the amenity of the surrounding area.

(3) Without limiting subclauses (1) and (2), a **Notice to Comply** issued by an **Authorised Officer** or a **Delegated Officer** with respect to an offence against this clause may include a direction that the **private property**, building or structure be:

(a) Cleared of any substance, material or equipment;

(b) Suitably fenced, screened or otherwise enclosed in the manner specified in the **Notice to Comply**;

(c) Boarded up or otherwise secured to prevent access or otherwise alleviate the danger, unsightliness, **nuisance**, detriment to general amenity or offending condition; and/or

(d) Protected by warning signs or barriers to alert members of the public to the presence on the **private property** of a danger to persons entering the **private property**.

(4) For the purposes of this clause, a building includes an outbuilding, fence and any other capital improvement on the **land**.

21. Dilapidated Building

(1) An **owner** or an **occupier** of **private property** which is unoccupied, unfit for occupation or normal use, or not occupied most of the time must:

(a) Not allow a building located on the **private property** to become dilapidated or further dilapidated;

(b) Take all reasonable steps to secure any building located on the **private property** from unauthorised access; and

(c) Maintain any building located on the **private property** in a state of good repair and appearance, including undertaking temporary repairs as required to ensure on-site safety and security and to avoid the appearance of neglect that is out of character with neighbourhood amenity.

(2) For the purposes of subclause (1), a building is considered dilapidated if the exterior of the building is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, misuse or has been damaged or defaced.

(3) For the purposes of this clause, a building includes an outbuilding, fence and any other capital improvement on the **land**.

22. Fireworks

(1) A **person** must not, without a **permit**, light or cause or allow to be lit any fireworks on any **land** in the **municipal district**.

23. Camping on Private Property

(1) The **owner** or **occupier** of **private property** must not **camp** without a **permit**, on the **private property** for a period exceeding a total of twenty-eight (28) days in any year.

(2) Subclause (1) does not apply to **persons** within a Caravan Park registered under the *Residential Tenancies Act 1997*.

(3) The **owner** or occupier of **private property** must ensure that sanitation and laundry facilities of a dwelling located on the **private property** are available for use by all **persons**

camping on the **private property**.

(4) All items used for **camping** on **private property** must be removed from the site immediately following the completion of the approved occupancy period to the satisfaction of an **Authorised Officer** or **Delegated Officer.**

24. Artificial Light

(1) An **occupier** of **land** must not use, or cause to be used, on their land a light which an **Authorised Officer** or **Delegated Officer** determines creates a nuisance to any other **person or animal**.

25. Noise

(1) An **occupier** of **land** must not:

(a) Cause a noise; or

(b) Knowingly allow or suffer a noise;

To emanate from that **land**, which an **Authorised Officer** or Delegated **Officer** determines is causing discomfort to another **person**.

26. Wind Energy Facility

(1) Unless permitted under the **Planning Scheme** or other legislation, an **owner** or **occupier** of **private property** must not, without a **permit**, erect or install, or cause or allow to be erected or installed, a wind turbine or similar device, other than a **wind energy facility**, on any **land** less than 5000 square metres in a **built-up area.**

Division 2 – Trees and Vegetation

27. Noxious Weeds

(1) An owner or occupier of **land** must not allow any **noxious weeds** to be present on that **land**.

28. Obstructions from Private Property (Including Trees)

(1) The **owner** or **occupier** of **private property** must not allow any **tree**, sign, fence, structure or other thing on that **private property** to remain in such a manner that it causes danger to traffic, drivers or pedestrians by preventing an unobstructed passage and a clear view of other **vehicles** or signs or signals installed to control, direct, guide, regulate or warn traffic.

(2) Without limiting sub-clause (1), the **owner** or **occupier** of **private property** must not allow any **tree**, sign, fence, structure or other thing on that **private propert**y to:

(a) Overhang a footway or other **Council land** at a height of less than 2.4 metres; or

(b) Overhang the carriageway of a **road** at a height of less than 4.5 metres.

29. Trees Causing Damage to a Municipal Place

(1) An **owner** or **occupier** of **private property** must not allow any **tree** or part of a **tree,** to grow on that **land** so as to cause damage to or interference with any:

(a) Fixture or other structure in a **road**, or **municipal place**; or

(b) Drain vested in or under the control of **Council**.

30. Significant Trees and Protected Trees

(1) An **owner** or **occupier** of **private property** must not, without a **permit**:

(a) Cut, trim, lop, prune or otherwise interfere with, or cause or allow to be cut, trimmed, lopped, pruned or otherwise interfered with, on any **private property** any **significant tree** or **protected tree**; or

(b) Carry out, or cause or allow to be carried out, any **works within the tree protection zone** of a **significant tree** or **protected tree,** including but not limited to building, trenching, digging, compacting, excavating, filling, or storing materials and equipment.

(2) Sub-clause (1) does not apply to:

(a) A person whose actions are authorised under a **permit** under the **Planning Scheme;**

(b) A person whose actions are required by any other legislation; or

(c) A person acting in accordance with a direction from **Council** or an **Authorised Officer.**

(3) Council must maintain a Significant Tree Register recording all significant trees within the municipal district and ensure that such Significant Tree Register is accessible on Council's website and can be inspected at Council's principal office during normal business hours.

31. Nature Strips

(1) An **owner** or **occupier** of **private property** must ensure that the grass on the nature strip adjacent to or otherwise referable to that **land** is:

(a) Maintained in a neat and tidy condition; and

(b) Does not contain grass exceeding 300mm in height.

(2) A **person** must not, without a **permit**:

(a) Plant or remove vegetation from a nature strip or undertake any landscaping on a nature strip, **road** or **municipal place**; or

(b) Remove soil from a nature strip, **road** or **municipal place**.

(3) When assessing and determining an application for a **permit** under this clause 31, regard will be had to Council's Guidelines for Planting in Nature Strips, which are incorporated into this Local Law.

Division 3 - Animals

32. Keeping of Animals Generally

(1) An **owner** or **occupier** of **private property** must not, without a **permit**, keep or allow to be kept on the **land** any more of each species or group of **animals** than is stated in the following table.

(2) An **owner** or **occupier** of **private property** must not, without a **permit**, keep or allow to be kept on the **land** any more than six (6) different species of **animals** stated in the following table.

(3) For the purpose of calculating the numbers of any **animal** kept under sub- clause (1), the progeny of any dog or cat lawfully kept will be counted from twelve (12) weeks after its birth.

(4) Sub-clauses (1), (2) and (3) do not apply where the keeping of **animals** is regulated by the **Planning Scheme** or other legislation, including agricultural **land** uses.

Type of animal	Maximum allowed		
	Flats, units or townhouses	**Land** less than 5000 square metres	**Land** 5000 square metres or greater (see below)
Dogs	2	2	3
Cats	2	2	4
Poultry (excluding roosters)	0	12	30
Pigeons	0	10	20
Domestic birds (caged, excluding large and/or noisy birds)	6	12	No limit
Large and/or noisy birds	0	0	5

Type of animal	Maximum allowed		
	Flats, units or townhouses	**Land** less than 5000 square metres	**Land** 5000 square metres or greater (see below)
(including roosters)			
Domestic rabbits, guinea pigs and mice	2	4	20
Horses and donkeys	0	0	5
Cattle	0	0	10
Sheep and goats	0	0	15
Pigs	0	0	1
Any other livestock	0	0	2

(5) Unless permitted under the **Planning Scheme** or other legislation, an **owner** or **occupier** of **private property** must not, without a **permit**, keep an **animal** of a species not listed in the table in sub-clause (4) on the **land**.

33. Housing of Animals

(1) An **owner** or **occupier** of **private proper**ty must ensure that any part of the **land** used for housing an **animal** is:

(a) Adequately fenced, and the fence and gates maintained in a satisfactory condition, so that any **animal** kept on the **land** cannot escape from the **land**; and

(b) Maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other **person**, including:

(i) The part of the **land** surrounding the place where the **animal** is kept is free from rubbish or vegetation that could attract or harbour **vermin**;

(ii) All **animal** food for consumption kept or stored on the **land** is kept or stored in a **vermin** and fly-proof receptacle;

(iii) All **animal waste** is removed from the **land** so as not to be offensive or a nuisance to any other person; and

(iv) Any **animal** odour emanated does not interfere with the immediate amenity of the area.

(2) An **owner** or **occupier** of **private property** must not allow a structure used for housing an **animal** to be:

(a) Attached to, or within one (1) metre of, any fence or structure designed to separate neighbouring properties.

(b) Located within six (6) metres of a dwelling on other **land**, if the structure is intended for keeping poultry or pigeons.

34. Wasps

(1) An **owner** or **occupier** of **private property** must, within seven (7) days of becoming aware of the existence of a wasp nest or nests on the **land**, take steps to cause that nest or those nests to be removed.

35. Bees

(1) An **owner** or **occupier** of **private property** must, within seven (7) days of becoming aware of the existence of an **unmanaged European beehive** or hives on the **land**, take steps to cause that hive or those hives to be removed.

(2) An **Authorised Officer** or **Delegated Officer** may direct a **person** to relocate a beehive on any **private property** if the number or location of beehives gives rise to a risk to safety.

Division 4 – Open Air Burning

36. Restrictions on Burning in the Open Air – Declared Fire Danger Period

(1) Nothing in the following clauses permits a **person** to light a fire during a declared **Fire Danger Period** (including a day of **Total Fire Ban**) or otherwise in contravention of the provisions of the *Country Fire Authority Act 1958.*

37. Burning of Offensive Materials

(1) A **person** must not burn, or cause or allow to be burned, in any part of the **municipal district** any offensive materials, or any materials that may cause offensive emissions of smoke and odour to enter any neighbouring property. This includes:

(a) Manufactured chemicals or pressurised cans;

(b) Rubber or plastic;

(c) Electronic equipment and recyclable materials (excluding timber)

(d) Petroleum, oil or oil-based products

(e) Paint or receptacle which contains or contained paint;

(f) Food **waste**, fish or other offensive or noxious matter;

(g) Anything else determined by an **Authorised Officer** or **Delegated Officer.**

38. Restrictions on Burning in the Open Air – Private Property

(1) A **person** must not light, or cause or allow to be lit, a **fire** in the open air or in any built or manufactured **incinerator** or similar device on any **land** less than 5000 square metres in a **built-up area**.

(2) A person must not light, or cause or allow to be lit, a **fire** in the open air or in any built or manufactured **incinerator** on any **land** 5000 square metres or greater in a **built-up area**, except where the **fire** is lit for genuine fuel reduction purposes, and:

(a) Until any **fire** lit has been completely extinguished:

(i) The perimeter of the burning area is regularly patrolled;

(ii) The **fire** is monitored to make sure smoke is not impacting on neighbouring properties or causing a traffic hazard;

(iii) An adequate number of adults and adequate **fire** suppression equipment or appliances are present; and

(iv) Any **fire** is extinguished before sunrise on the day following the day on which the **fire** was lit; and

(b) In the case of any pile **fire** burning, it is undertaken in accordance with the following:

(i) On **land** less than 10,000 square metres in area, with a pile size no more than three (3) metres long by three (3) metres wide and three metres in height of vegetation;

(ii) On **land** 10,000 square metres in area or greater, with a pile size no more than six (6) metres long by six (6) metres wide and three (3) metres in height metres of vegetation;

(iii) Material can be added to the **fire**, provided that the pile size is never permitted to exceed the area and height restrictions in sub-clauses (i) and (ii); and

(iv) More than one **fire** is permitted to be alight at any one time as long as there are enough people to monitor, contain and extinguish the **fires** safely and effectively if required; and

(c) Where a rural farming property manager, as part of their farm management practices, wishes to undertake a linear **fire** burn, being for the creation of a **fire** break along their property boundaries or for the removal of crops, grass or stubble with a slow burn type of operation, the property manager must ensure Clauses 37 and 38(2)(a) are followed.

(3) Sub-clauses (1) and (2) do not apply to fires that are monitored and attended to by the **land occupant** and are:

(a) A **barbecue**, pizza oven or other properly constructed appliance while it is being used for cooking food; or

(b) A **fire** in a chiminea, fire pit or other similar and properly constructed appliance while being used for heating; or

(c) A **fire** lit for the purpose of the **person** enjoying their culture or practising their religion; or

(d) **Council** staff members and any person contracted or authorised by Council for the purpose may, without a **permit**, undertake controlled burning-off as a part of normal parks maintenance on any **Council land**; or

(e) **Fire** and emergency services agencies carrying out training or **fire** hazard reduction activities.

(4) An **Authorised Officer** or **Delegated Officer** may grant exemptions or **permits** to any part of sub-clauses (1) and (2) in special or unusual circumstances, such as for **fires** relating to disease control with dead stock, in emergencies, urgent circumstances or natural disasters.

39. Restrictions on Burning in the Open Air – Municipal Places

(1) A **person** must not, without a **permit** or the relevant **land** manager's consent, light or allow to be lit a **fire** in any **municipal place**.

Division 5 – Waste and Recycling

40. Use of Residential or Non-Residential Waste Bins

(1) The **occupier** of premises with **residential or non-residential waste bins** supplied by **Council** must deposit or cause to be deposited, all waste, recyclables and organics produced or accumulated in, on or around the premises in Council provided **residential or non-residential waste bin.**

(2) The **occupier** of premises with **residential or non-residential waste bins** supplied by **Council** for different classes of waste, recyclables or organics must use the **residential or non-residential waste bins** only for the purposes for which they were provided.

(3) The **occupier** of premises to which **Council** provides a **residential or non-residential waste bin** must not place, or allow to be placed, in the **residential or non-residential waste bin** any:

(a) Slops or liquid waste;

(b) Dirt, dust, or other matter from any vacuum cleaner, hair or other similar matter or moist refuse, unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape;

(c) Ashes or other like matter unless they have been mixed with water to form a consistency of a stiff paste before being wrapped and placed in the bin;

(d) Concrete, masonry, bricks, building debris, soil or machinery, engine or vehicle parts;

(e) **Trade waste**;

(f) Hazardous chemicals;

(g) Radioactive material;

(h) Volatile, explosive or flammable substances;

(i) Oil, paint, solvents, acids or similar substance or any other substance that may damage the bin or reduce its strength or effectiveness;

(j) The carcass of a deceased **animal**;

(k) Nightsoil (except that sanitary, continence aids and disposable nappies may be placed or caused to be placed in a garbage bin if they are wrapped in impervious material);

(l) Needles or syringes;

(m) Medical or infectious waste;

(n) E-waste; or

(o) Any other matter identified by Council from time to time by notice to **occupiers** of a **property**.

41. Collection and Storage of Residential and Non-Residential Waste Bins

(1) The **occupier** of premises may place the **residential or non-residential waste bin** out for collection on the nature strip or **road** reserve nearest the premises or in such other location as may be approved or permitted by **Council**, but must not:

(a) Place the **residential or non-residential waste bin** so as to interfere with the free movement of pedestrian or vehicular traffic;

(b) Place the **residential or non-residential waste bin** in a manner that impedes the mechanical collection of waste; or

(c) Leave a **residential or non-residential waste bin** out for more than one (1) day before or after the designated collection day.

(2) All **residential or non-residential waste bins** must be maintained in a clean and tidy manner so as not to cause any health risk or be offensive to any **person** and stored on the property to which they have been issued.

42. Hard Waste Collection

(1) Where **Council** provides a hard waste collection, the hard waste to be collected:

(a) Must be left for collection in accordance with Council's instructions;

(b) Must not be placed there earlier than forty-eight (48) hours earlier prior to the nominated collection date; and

(c) If not collected, regardless of the reason, must be removed no later than forty-eight (48) hours after the nominated collection date.

(2) A **person** must not remove or interfere with any hard waste placed out for collection.

43. Public Place Landfill or Recycling Bins

(1) A **person** must not deposit any waste or recyclable material in a **public place landfill or recycling bin** contrary to any sign, notice or label detailing the type of waste that will be received in the public **place landfill or recycling bin**.

(2) A **person** must not deposit, or authorise the deposit of, any household waste, or any waste or recyclable material that has originated from a commercial activity, into a **public place landfill or recycling bin**.

44. Trade Waste Bins (Including Trade Recycling Bins)

(1) Waste bins used for the collection and storage of **trade waste** or recyclables must:

(a) Be constructed of approved impervious material to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it;

(b) Be water-tight, fly and vermin proof;

(c) If its capacity exceeds 500 litres, contain a removable drainage plug for the purpose of cleaning; and

(d) Be fitted with a fly and vermin proof lid with overlapping flanges, which must be kept

continuously closed, except when being used for the immediate deposit of **trade waste**.

(2) Waste bins used for the collection and storage of **trade waste** or recyclables must be regularly emptied to prevent the contents from becoming offensive.

(3) The **occupier** of any **private property** at which waste bins used for the collection and storage of **trade waste** or recyclables are kept must ensure that the bins are kept on the **private property** on which the **trade waste** is generated except for the period from twelve (12) hours before their collection to (4) hours following their collection.

(4) The **occupier** of the **private property** must ensure that, in relation to bins used for the collection and storage of **trade waste** or recyclables:

(a) The bin is, or bins are, stored and maintained in a clean, sanitary and inoffensive condition and must clean and at all times keep clean any footway, pavement or ground adjoining the storage area;

(b) The surface upon which the bin is, or bins are, stored is impervious and graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices;

(c) The site on which the bin is, or bins are, stored is supplied with a tap connection and hose;

(d) The bins are screened from public view; and

(e) The bin is, or bins are, adequately constructed, located or secured in such a way so as to deny access to the public.

(5) Waste bins used for the collection and storage of **trade waste** or recyclables must display a notice, sign or label indicating the:

(a) Type of **trade waste** or recyclable material permitted to be deposited in that bin; and

(b) **Property address** at which the bin is usually kept.

(6) A **person** must not place **trade waste** or recyclables:

(a) In a public place landfill or recycling bin;

(b) In a **clothing/donation** bin;

(c) On a hard waste collection pile;

(d) In a **Council** supplied bin that is for the purpose of residential collection; or

(e) In a **Council** supplied bin that is for commercial collection, for a property they do not own or occupy.

PART 4 – VEHICLES, ROADS AND STOCK MOVEMENTS

45. Motor Bikes and Motorised Recreational Vehicles

(1) A **person** must not on any part of any **municipal place** excluding a **road**, without a **permit**:

(a) Drive, ride on or otherwise use; or

(b) Permit a **person** under their care or control to drive ride on or otherwise use,

a **motor bike or other motorised recreational vehicle** unless the part of the **municipal place** has been designated for that purpose.

(2) A **person** must not, without a **permit**:

(a) Drive, ride on or otherwise use any **motor bike or other motorised recreational vehicle** on any **private property**, except for the purpose of directly accessing or leaving that **land**; or

(b) As the **owner** or **occupier** of any **private property**, allow a person to drive, ride on or otherwise use any **motor bike or other motorised recreational vehicle** on that **land**.

(3) Sub-clause (2) does not apply to a motorised farm vehicle that is being used for farming purposes.

46. Use of Toy Vehicles

(1) A **person** must not use or allow to be used a **wheeled toy**, **wheeled recreational device**, or **motorised toy vehicle** in a **municipal place** so as to endanger, intimidate or unduly obstruct any other **person** or **vehicle** lawfully using or intending to use the same area, or damage property.

(2) **Council** may determine a **municipal place** in which the use of a **wheeled toy**, **wheeled recreational device**, or **motorised toy vehicle** is prohibited, where it considers that the use of these items is reasonably likely to cause physical damage to infrastructure, or would prevent the free passage of other users of the **road** or **municipal place**, or damage property, or **Council** assets.

47. Parking of Vehicles in a Municipal Place

(1) Without a **permit**, a person must not use, or allow to remain, any **vehicle** or **caravan** in a **municipal place**, unless set aside for **vehicle** or **caravan** parking.

48. Display of Vehicles for Sale on a Road or Municipal Place

(1) A **person** must not display a **vehicle**, **caravan, boat** or any other thing for sale on a **road** or **municipal place**.

49. Repair of Vehicles on a Road or Municipal Place

(1) A **person** must not paint, service, carry out maintenance on, dismantle or repair a **vehicle, caravan, boat** or any other thing on a **road** or **municipal place**, or authorise another **person** to do so, except in an emergency breakdown for the purpose of removing it.

50. Abandoned Vehicles

(1) A **person** must not abandon any **vehicle, caravan, boat** on any **road** or **municipal place**.

(2) Any vehicle found on a road or municipal place that is determined by an Authorised Officer or Delegated Officer to be abandoned or unregistered may be dealt with under the provisions of Schedule 11 of the Act.

51. Heavy and Long Vehicles - Storing

(1) A **person** must not, without a **permit**, keep or store any **heavy vehicle** or **long vehicle**

(a) On any **road** or **municipal place**; or

(b) On any **private property** less than 5000 square metres, in a **built-up area**.

(2) Sub-clause (1)(b) does not apply to one (1) **caravan** being stored on **private property** by the **occupier**.

(3) In determining whether to grant a **permit** for the storing of **heavy vehicles** or **long vehicles**, consideration will be given to:

(a) The **land**-use of the applicant's **private property** and that of adjoining allotments;

(b) The proximity of the applicant's **private property** to adjoining properties;

(c) The likely effect of the proposed storage on adjoining owners;

(d) The distance of the proposed storage site from dwellings; and

(e) Any other matter the **Authorised Officer** or the **Delegated Officer** considers relevant to the application.

52. Livestock – Fencing and Confinement

(1) The **owner** or **occupier** of **private property** on which **livestock** is kept must ensure that the **land** is adequately fenced and gates maintained, to ensure that the **livestock** are securely confined within the **land**.

(2) Sub-clause (1) does not apply where it can be shown that extreme or unusual circumstances beyond the control of the **owner** or **occupier** of **private property** (such as wildfire, flood or dog attack) directly resulted in the escape of the **livestock** through otherwise adequate fencing.

53. Livestock – Grazing, Droving and Movement on a Road or Municipal Place

(1) A **person** must not, without a **permit**, cause, allow or undertake the **grazing** or **droving** of **livestock** on a **road** or **municipal place.**

(2) A **person** may, without a **permit**, move **livestock** across or along a **road**:

(a) from one **private property** to another where both are part of a single farming enterprise; or

(b) from one part of a **private property** to another part of the same **private property**.

(3) A **person** grazing, droving or undertaking movement of **livestock** on a **road** must comply wholly with provisions of the *Manual for Traffic at Control Stock Crossings (VicRoads, June 2015)*.

Compliance with this manual is a requirement under the *Road Safety (Traffic Management) Regulations 2009*.

(4) A **person grazing**, **droving** or undertaking movement of **livestock** on a **road** or **municipal place** must have a current public liability insurance policy and be able to produce proof of that policy upon request by an **Authorised Officer** or **Delegated Officer**.

54. Animal Waste on Roads and in Municipal Places

(1) A **person** in charge of an **animal** must not allow any part of **animal waste** generated by that **animal** to remain on any **road** or **municipal place** and must immediately collect and dispose of the **animal waste**.

(2) A **person** in charge of an **animal** on any **road** or **municipal place** must carry sufficient litter devices to collect and dispose of **animal waste** and must produce them on the request of an **Authorised Officer** or **Delegated Officer**.

(3) Sub-clause (1) does not apply to **livestock** outside a **built-up area**, except in the case of **livestock** road crossings where the **animal waste** left on a **road** is sufficient to cause a genuine risk to public safety, including but not limited to being a contributory factor in any road accident.

(4) Sub-clause (2) does not apply to **livestock** outside a **built-up** area.

55. Spoil on Roads from Vehicles

(1) A **person** must not allow any soil, earth, mud, clay, liquid waste or like substance to fall or escape onto a **road** from any **vehicle** which they are driving.

(2) Any soil, earth, mud, clay, liquid waste or like substance that has been deposited on a **road** and is likely to be a danger to **road** users or offensive to pedestrians or adjacent residents must be removed from the **road** as soon as practical by the person driving the **vehicle.**

56. Transporting Offensive Waste on Roads

(1) Any **person** that is transporting waste in the **municipal district** in a **vehicle** in the form of manure, a dead **animal** or the remains of an **animal**, offal, bones, hides, skins refuse, rubbish or other offensive matter must cover the **vehicle** so that the possibility of escape of offensive odours or any other materials is reduced.

(2) Any material or waste that has been dropped on a **road** during the transport of **animal waste** or other waste of a kind described in sub-clause (1) and is likely to be a danger to **road** users or offensive to pedestrians or adjacent residents must be removed from the **road** as soon as practical by the person transporting the waste material.

PART 5 – MUNICIPAL PLACES

This Part contains provisions to protect the amenity of municipal places through controls prohibiting persons from causing damage to or acting in a socially unacceptable manner. Municipal places are areas owned or managed by Council and include buildings, reserves and foreshore reserves.

Division 1 – Use of Municipal Places

57. Behaviour in a Municipal Place

(1) A **person** must not behave in a **municipal place** in such a manner as to interfere with another **person's** reasonable use and enjoyment of that **municipal place**.

(2) A **person** must not behave in a **municipal place** in such a manner as to endanger or be likely to endanger a person's health or life, property, or an **animal**.

58. Defacing or Damaging a Municipal Place

(1) Without a **permit**, a **person** must not destroy, damage, deface, remove or interfere with:

(a) A **municipal place**;

(b) Any building, structure or infrastructure or any other thing on or in a **municipal place**;

(c) Any thing belonging to **Council** in a **municipal place**, unless authorised by **Council** to do so, whether under this Local Law or otherwise; and

(d) Any **Council** property or **Council** assets located on or in any **municipal place** or **private property**.

(2) Without a **permit**, a **person** must not build on, erect a **fence**, otherwise occupy or place anything on a **municipal place**;

59. Tree and Vegetation Protection in a Municipal Place

(1) A **person** must not, without a **permit**, on a **road** or **municipal place**, destroy, damage, remove, prune, lop, or otherwise interfere with any **tree** or vegetation or allow any person to destroy, damage, remove, lop, or otherwise interfere with a **tree** or vegetation.

60. Obstructions in a Municipal Place

(1) Without a **permit**, a person must not place, permit to be placed, or allow to remain on a **road** or in a **municipal place**:

(a) A **bulk rubbish container**;

(b) A **clothing/donation bin**;

(c) A **shipping container**;

(d) **Animal fodder**; or

(e) Any other thing.

61. Access to Municipal Reserves and Foreshore Reserves

(1) **Council,** an **Authorised Officer** or a **Delegated Officer** may, in the case of any **municipal reserve** or **foreshore reserve**, set aside days and times upon which charges or entrance fees may be made for the use of the **municipal reserve** or **foreshore reserve**.

(2) **Council**, an **Authorised Officer** or a **Delegated Officer** may restrict access to any part of a **municipal reserve** or **foreshore reserve**, whether for temporary works, for short-term or long-term lease or licence or for any other purpose, and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.

(3) A **person** must not enter any **municipal reserve** or **foreshore reserve**, other than during the hours of opening, from a designated public access point and subject to any conditions or fee imposed on entry, unless directed otherwise by a member of **Council** staff or an authorised contractor in the course of their employment.

62. Camping in a Municipal Place

(1) A **person** must not, without a **permit**, **camp** in a **municipal place** unless such **person** is within an area which **Council** has determined by resolution to be available for **camping**.

63. Interference with a Water Course

(1) A **person** must not, without a **permi**t, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert, **water sensitive urban design** asset, or fence which is the **property** or under the control of **Council**.

64. Availability and Hire of a Municipal Building

(1) A **person** must not organise or undertake any **event**, public meeting, performance or commercial activity within a **municipal building** without a **permit** or other consent from **Council**.

(2) During any period for which a **municipal building** or any part of it has been hired out, the **manager** may refuse admission to the **municipal building** or any part of it to any **person** who is not connected with the hiring purpose.

65. Events

(1) A **person** must not, without a **permit**, hold or organise any **event** in any **municipal place**.

(2) Sub-clause (1) does not apply to a social gathering of thirty (30) **persons** or less in a **municipal place** (although certain activities may require a **permit** under Clause 66).

(3) An **event** that is subject to the **Planning Scheme** is exempt from the requirement to obtain a **permit** under sub-clause (1).

66. Street Parties and Street Festivals

(1) A **person** must not, without a **permit**, hold a **street party**, **street festival, procession**, or activity on a **road**.

(2) Political or industrial marches are exempt under this clause, provided Victoria Police are informed prior to the march.

67. Glass Containers

(1) **Council** may, by resolution, or as a condition of a **permit**, declare any part of a **municipal place** free of glass containers, and that declaration may be unconditional or limited to certain times of the day, certain days of the year, defined public holiday periods, events or particular places.

(2) A **person** must not bring into, provide or use any glass container in any part of a m**unicipal place** that is declared under sub-clause (1) to be free of glass containers.

(3) No declaration under this clause will have any force or effect unless signs advising of the prohibitions are erected in a **municipal place** that is declared under sub-clause (1) to be free of glass containers.

68. Filming in a Municipal Place

(1) A **person** must not, without **permit**, in any **municipal place** conduct or cause to be conducted any **filming** for a commercial purpose.

(2) Any **permit** issued under this Clause 68 will be consistent with the **Film Friendly Principles**.

69. Riding Animals in a Municipal Place

(1) A **person** must not, without a **permit** or unless the person is a member of Victoria Police acting in the course of their duties, ride or lead a horse, camel or any other mountable animal, or cause or authorise another person to ride or lead such an **animal**, in any **municipal place**.

(2) An **Authorised Officer** or a **Delegated Officer** may issue a **permit** for a horse or mountable **animal** to be ridden or led in any **municipal place** having regard to whether it is reasonably necessary for this to take place and there is no reasonable and safe alternative.

(3) Sub-clause (1) does not apply where a **person** is riding a horse in a **municipal place** which **Council** has, by resolution, designated for the riding of horses and other mountable **animals**.

Division 2 – Alcohol and Smoking

70. Possession and Consumption of Alcohol in a Municipal Place

(1) A **person** must not, without a **permit**, consume **alcohol** or have in their possession **alcohol** in an open container on any **road**.

(2) A **person** must not, without a **permit**, between 7.00pm and 7.00am on the following day consume **alcohol** or have in their possession alcohol in an open container in any **municipal place.**

(3) Sub-clauses (1) and (2) do not apply where the consumption of **alcohol** is permitted under the **Planning Scheme** or *Liquor Control Reform Act 1998.*

71. Alcohol-Free Areas

(1) In addition to the restrictions imposed by clause 70, **Council** may, by resolution, declare any **municipal place** or **event** to be an **alcohol-free area**, whether that declaration is unconditional or limited to certain times of the day, certain days of the year, defined public holiday periods, particular places.

(2) A **person** must not, without a **permit**, consume **alcohol** or have in their possession **alcohol** in an open container in any **municipal place** that is declared as an **alcohol-free area**.

(3) No declaration under this clause will have any force or effect unless signs advising of the prohibitions are erected in a **municipal place** that is declared as an **alcohol-free area**.

72. Smoke-Free Areas

(1) **Council** may, by resolution, declare any **municipal place** or **event** to be a **smoke-free area**.

(2) A **person** must not smoke a **tobacco product** or **e-cigarette** in a **smoke-free area**.

(3) No declaration under this clause will have any force or effect unless signs advising of the prohibitions are erected in a **municipal place** that is declared as a **smoke-free area**.

Division 3 – Trading, Fundraising and Promotional Activities

73. Roadside Trading or Performing

(1) A **person** must not, without a **permit,** erect or place on any **road** or **municipal place**, a **vehicle**, **caravan**, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.

(2) A **person** must not, without a **permit**, on any **road** or **municipal place**, **busk** or play any musical instrument or use any sound amplification equipment for the purpose of public entertainment or performance.

74. Regulation of Trading Sites

(1) If **Council** has entered into an arrangement (by way of **permit**, lease, licence or otherwise) in relation to trading from a particular site, a second **person** other than the **person** with whom **Council** has the arrangement must not trade from that site whether or not that second **person** has a **permit** for another site or no particular site.

(2) A **person** must not, without a **permit** sell or offer for sale of any goods or services from any **private property** or **municipal place** adjacent to a **road** or to any **person** who is on that road or adjacent **private property** or **municipal place**.

(3) Sub-clause (2) does not apply where the selling or offering for sale of any goods or services from any **private property** is governed by the **Planning Scheme.**

75. Displaying Goods for Sale

(1) A **person** must not, without a **permit**, place or display any goods for sale or cause or allow another p**erson** under their control to do so on any **road** or **municipal place.**

76. Use of a Municipal Place for Outdoor Eating Facilities

(1) A **person** must not, without a **permit**, use any **road** or **municipal plac**e for the purposes of an **outdoor eating facility**.

77. Removing the Outdoor Eating Facility

(1) The **permit holder** must move or remove the **outdoor eating facility** to which the **permit** relates when requested to do so by an **Authorised Officer** or **Delegated Officer** or a member of the Victoria Police or an emergency service to facilitate cleaning of the site or for public safety reasons.

78. Advertising Signs

(1) A **person** must not, without a **permit**, erect, place or display on any part of a **road** or **municipal place**:

(a) An **advertising sign**; or

(b) A sign promoting a candidate or political party associated with a local, state or federal election

Or cause or in any way authorise another **perso**n to do so.

(2) Sub-clause (1) does not apply to **moveable advertising signs** that are placed for the purpose of real estate open for inspections or auctions, no more than one (1) hour before and

removed no more than one (1) hour after a real estate open for inspection or auction has occurred.

79. Shopping Trolleys

(1) A **person** must not leave a shopping trolley on a **road** or in a **municipal place**, except in an area designated for the leaving of shopping trolleys.

(2) The **owner** of a shopping trolley must ensure that their name and trading name are clearly marked on the shopping trolley.

(3) The **owner** of a shopping trolley must not allow the shopping trolley to be left on a **road** or in a **municipal place,** except in an area designated for the leaving of **shopping trolleys**.

80. Collections

(1) A **person** must not, without a **permit**:

(a) Solicit or collect any waste materials, gifts of money or subscriptions; or

(b) Distribute any handbills

from any **municipal place**, or from house to house adjacent to any **road** or cause or authorise another **person** to do so.

(2) Sub-clause (1) includes the distribution of information brochures, books and solicitation of anything from members of the general public.

(3) Sub-clause (1) does not apply to

(a) Hand delivering printed matter to street-side letterboxes;

(b) Delivery of newspapers, magazines and goods at the request of the **occupier** of the premises;

(c) Solicitation or distribution of printed electoral material; or

(d) The collection of signatures for a petition.

(4) A **person** must not, without a permit, from house to house, sell or offer goods or services for sale.

PART 6 – COUNCIL ASSET PROTECTION AND BUILDING SITE AMENITY

Division 1 – Council Asset Protection

81. Drainage Tapping and Discharging Groundwater

(1) A **person** must not, without a **permit**:

(a) Tap into, destroy, damage or interfere with any drain which is the property or under the control of **Council**; or

(b) Discharge groundwater into any drain which is the property or under the control of **Council** or into or onto any **road** or **Council land.**

82. Occupation of Roads and Council Land

(1) Unless a written consent under section 63(1) of the *Road Management Act 2004* has been given, or a **person** is exempt under the *Road Management Act 2004* from the requirement to obtain that written consent, a **person** must not, without a **permit**, occupy (whether wholly or partially) a **road** or **Council land:**

(a) For any works that involve:

(i) fencing off or blocking part of a **road** or **Council land;**

(ii) erecting a hoarding, scaffolding or overhead protective awning;

(iii) using a mobile crane or travel tower for any building works;

(iv) making a hole or excavation;

(v) reinstating a hole or excavation;

(vi) service connections including stormwater, water, electricity, telecommunications, gas and any other service;

(vii) removing or planting vegetation or a tree on the **road** reserve other than grass;

(viii) ploughing or cultivating for firebreaks or cropping; and

(ix) leaving or storing any building, paving or other construction materials or any tools, machinery, plant, equipment or temporary structure; or

(b) for any other activity.

(2) The requirement to obtain a **permit** does not apply to the works of a **service authority**:

(a) in an emergency or urgent circumstances; or

(b) when works are being carried out in accordance with the *Road Management Act 2004*.

(3) The requirement to obtain a **permit** does not apply:

(a) to the works of contractors undertaking any works within a **road** or **Council land** for or on behalf of **Council**; or

(b) if a **person** has been granted a **permit** under another provision of this Local Law which permits that **person** to occupy a **road** or structure or thing on a **road** or **Council land**.

(4) Nothing in sub-clause (2) or (3) exempts a **person** from an obligation to notify **Council** of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

83. Council Asset Protection – Building Works

(1) A **builder, owner** or **appointed agent** must not carry out or allow to be carried out **building works** on or in respect of **private property** unless **Council** has issued an Asset Protection **Permit** in respect of that **private property**.

(2) An Asset Protection **Permit** may be subject to such conditions as **Council** or the relevant **Authorised Officer** or **Delegated Officer** deems appropriate.

84. Damage to Council Assets – Building Works

(1) The **builder, owner** or **appointed agent** of **private property** on or in respect of which **building works** have been carried out must repair any damage to the kerb, drains, footpath, street trees, vegetation and existing **road**, as the case may be, caused by the carrying out of the **building works** to the satisfaction of **Council**.

(2) Where an **Authorised Officer** or a **Delegated Officer** determines that an existing **vehicle crossing**, footpath, kerb, street tree or other part of the **road** has been damaged as a result of or arising out of the **building works**, the **builder, owner** or **appointed agent** of the **private property** on which the **building works** have been carried out must repair the damage or, when requested to do so by **Council**, reimburse **Council** for the cost and expense of the repair of such damage.

(3) The amount of reimbursement for such repairs under sub-clause (3) must be proportionate to the cost of repairing any damage.

85. Security Bonds – Building Works

(1) If an Asset Protection **Permit** includes a condition that a **security bond** is paid to Council, the amount of that security bond will be determined by reference to the likely cost of repairing any potential damage to any existing **road** (including carriageway), channel, drain, **vehicle crossing** or other **Council** asset arising from the b**uilding works**.

(2) A security bond or part of it may be retained and applied by **Council** to offset the costs incurred, or expected to be incurred, by **Council** in carrying out any repairs to **Council** assets which are required as a result of, or are associated with, the **building works**.

(3) A security bond, or such part of a security bond that remains after it has been applied by **Council** for the purposes of and in accordance with this clause 85, must be refunded by **Council** upon:

(a) An application for a refund of the security bond by the **person** who paid it being made within six (6) months of the date of completion of the **building works**; and

(b) **Council** being satisfied that no damage has been caused, or that any damage caused has

been repaired by, or on behalf of, that person to **Council's** satisfaction.

(4) **Council** must refund a security bond, or such part of a security bond that remains after it has been applied by **Council** for the purposes of and in accordance with this clause 85, within twenty eight (28) days of sub-clause (3) being satisfied.

(5) If a security bond, or any part of a security bond that remains after it has been applied by **Council** for the purposes of and in accordance with this clause 85, is not required to be retained by **Council** for repairs in accordance with this clause 85 but is not claimed within twelve (12) months of completion of the **building works**, the security bond or remaining part of it will be forwarded by **Council** to the Registrar of Unclaimed Money, in accordance with the requirements of the *Unclaimed Money Act 2008*.

(6) For the purposes of this clause 85 the completion of **building works** includes abandonment of a building site.

86. Requirement for Vehicle Crossings

(1) An **owner** of **private property** must ensure that each point of **vehicle** access from a **road** to the **private property** has a properly constructed **vehicle crossing** between the **road** and the boundary of such **private property** abutting the **road**.

(2) Any **vehicle crossing** must be properly constructed at the cost of the **owner** of the **private property** and in accordance with **Council's** specifications.

(3) For the purposes of sub-clause (2), a **vehicle crossing** is properly constructed if:

(a) It was constructed by, or in accordance with the terms of an approval given by, **Council**; or

(b) **Council** has approved in writing the method of construction of the particular **vehicle crossing** and the **vehicle crossing** has been constructed in accordance with that approved method.

(4) An **owner** of **private property** must, at their own cost, ensure that the **vehicle crossing** between the **road** and the boundary of such **private property** is maintained.

(5) In the event that a **vehicle crossing** becomes redundant, **Council** or an **Authorised Officer** or a **Delegated Officer** may direct the **owner** or **occupier** of the **private property** to which the **vehicle crossing** provides access to remove it.

87. Constructing a Vehicle Crossing

(1) A **person** must not, without a **permit,** construct, install, remove or alter a **vehicle crossing**, whether temporarily or permanently.

(2) A **person** must not remove, prune or damage any tree growing on a **road** in the course of, or in connection with, the construction, installation, removal or alteration of a **vehicle crossing**.

Division 2 – Building and Construction Site Amenity

88. Site Identification

(1) The **builder, owner** or **appointed agent**, prior to the commencement of any **building works**, must erect and maintain site identification in a conspicuous position accessible to the

public, close to the main entrance to the **building site** which:

(a) Is at least 600 millimetres in height and 400 millimetres in width; and

(b) Is clearly visible and legible from the **road**; and

(c) Contains the lot number, as described on the Certificate of Title, relevant to the **land**; and

(d) Identifies the name, registration number, telephone contact number and postal address of the **owner**, **builder** or **appointed agent**; and

(e) Identifies the name, registration number and contact details of the relevant building surveyor; and

(f) Identifies the building **permit** number and the date of issue of the building **permit**.

(2) The site identification must continue to be displayed and remain visible and legible for the duration of the **building works**.

89. Site Fencing

(1) The **builder, owner** or **appointed agent** must ensure that, prior to the commencement of any **building works** and for the duration of the **building works**, the site is provided with adequate site **fencing** or gates of a temporary or permanent nature, that:

(a) Are not less than 1500mm in height; and

(b) Are capable of ensuring all materials and waste for or from the **building site** are contained within the boundaries of the **building site**; and

(c) Are capable of preventing litter from being transported from the **building site** by wind; and

(d) Have not more than one access opening to the **building site** which is located to correspond with the location of the existing or temporary **vehicle crossing** for the **building site**, and is kept closed at all times when **building work** is not in progress; and

(e) When erected on the boundary of the **building site's** property line, it do not protrude into or onto any **land** other than the **building site**; and

(f) May enclose more than one **building site** where the **owner**, **builder** or **appointed agent** is responsible for adjoining **building sites**.

90. Vehicular Site Access

(1) The **builder, owner** or **appointed agent** must ensure that vehicular entry to the building site takes place other than across the existing **vehicle crossing** or a temporary **vehicle crossing**.

91. Site Toilets

(1) Where any **building works** are carried out on a **building site** that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, the **builder, owner** or **appointed agent** must ensure that adequate toilet facilities are provided on the **building site**.

(2) Where a temporary toilet is required to comply with sub-clause (1):

(a) The temporary toilet must:

(i) Include hand washing facilities;

(ii) Be provided on the **building site** at all times; and

(iii) Be of a type approved by **Council**; and

(b) Servicing, maintenance and location of temporary toilets must be to the satisfaction of an **Authorised Officer** or **Delegated Officer**.

92. Stormwater Protection

(1) The **builder, owner** or **appointed agent** must ensure that, for the duration of the **building works**, the **building site** is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal waste or gross pollutants or other associated **builder's waste** in accordance with currently accepted best practice. This includes, but is not limited to, adoption of measures to:

(a) Minimise the amount of mud, dirt, sand, soil or stones deposited on the **road**, abutting **roads**, adjoining **land** or washed into stormwater system; and

(b) Prevent building clean-up, wash down and other wastes and builder's refuse being discharged offsite or allowed to enter the stormwater system; and

(c) Ensure all **vehicles** delivering materials to the site are prevented from depositing mud, sand, soil, or stones onto **roads**; and

(d) Ensure that any waste which has spilled onto the **road**, nature strip or surrounding area is removed as soon as practicable so that any residues are prevented from entering the stormwater system; and

(e) Ensure that any footpath adjacent to the **building site** or likely to be affected by the **building works** is kept clear of mud, dirt, stones and all loose debris at all times.

93. Containment and Removal of Building Site Waste

(1) The **builder, owner** or **appointed agent**, prior to the commencement of any **building works**, and for the duration of the **building works**, must:

(a) Provide a closed waste facility suitable for the disposal of **builder's** waste which may become wind-blown;

(b) Place the waste facility on the **building site** and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the **building works**;

(c) Ensure that all **builder's** waste which requires containment is placed in the waste facility;

(d) Keep the waste facility closed to prevent wind-blown litter escaping from the waste facility;

(e) Empty the waste facility whenever full and, if necessary, provide a replacement facility during the emptying process; and

(f) Ensure any **waffle pods** are secured in a fashion that will not allow them to break free in any wind conditions.

(2) The **builder, owner** or **appointed agent**, upon completion of any **building works**, must remove and lawfully dispose of all **builder's** waste within fourteen (14) days of completion of the **building works** or issuing of an occupancy **permit**, whichever occurs last.

94. Direction to Cease Building Works

(1) An **Authorised Officer** or **Delegated Officer** may inspect a **building site** at any time and may direct any person found carrying out **building works** in contravention of the Local Law or a **permit** issued under this Local Law to cease carrying out those **building works** immediately or within any period the **Authorised Officer** or **Delegated Officer** deems as being reasonable.

PART 7 – SHORT STAY RENTAL ACCOMMODATION

The purpose of the Short Stay Rental Accommodation local law provisions are to:

- *Regulate the control and use of short stay rental accommodation.*
- *Ensure an appropriate standard of management of such accommodation.*
- *Minimise the risk of such accommodation affecting the peace of neighbours.*
- *Implement a registration and renewal requirement of such accommodation.*
- *Include a 'maximum stay' duration for customers.*
- *Ensure that any waste is managed to protect the environment that visitors come to enjoy.*

Division 1 – Registration

95. Registration Required

(1) The **owner** or **appointed agent** of any **private property** must not advertise, use, or allow to be used, the **private property** for **Short Stay Rental Accommodation**.

(a) Unless the **private property** is currently **registered** with **Council** under this Local Law; and

(b) Other than in accordance with

(i) the conditions of **registration**; and

(ii) the provisions of this Local Law.

(2) **Registration** does not affect the requirement of an **owner** or **appointed agent** or any other **person** to comply with any relevant law.

96. Application for Registration

(1) An application to **Council** for the issue or renewal of **registration** in respect of a **Short Stay Rental Accommodation property** must:

(a) Be in writing, including **online**;

(b) Be made by the **owner** of the **Short Stay Rental Accommodation property**;

(c) Contain the details specified and required in **Council's** application form including but not limited to a proposed maximum number of **occupants** per booking; and

(d) Be forwarded or lodged with the applicable **registration fee** to **Council**.

97. Application Details

(1) The details referred to in the application for **registration** must be completed in full before the application will be accepted by **Council** for consideration.

98. Determining an Application

(1) If an application for **registration** of a **Short Stay Rental Accommodation property** complies with the requirements of **registration** and the applicant pays the applicable **registration fee**, **Council**, an **Authorised Officer** or a **Delegated Officer** may issue to

the applicant a certificate of **registration** and **registration** number.

99. Conditions of Registration

(1) The conditions of **registration** are that the **owner** or **appointed agent** must at all times:

(a) Comply with this Local Law;

(b) Ensure that **Council** is provided with contact details for the **person**(s) who has been designated for the **Short Stay Rental Accommodation property** who can be contacted at any time of the day or night;

(c) Inform **Council** in writing of any change to the contact details submitted with the application for the **registration** under sub-clause (b);

(d) Ensure that the **occupier** of each **private property** adjoining and immediately across the road from the **Short Stay Rental Accommodation property** is provided with contact details for the **person**(s) who has been designated for the **Short Stay Rental Accommodation property** who can be contacted at any time of the day or night;

(e) Inform the **occupier** of each **private property** adjoining and immediately across the road from the **Short Stay Rental Accommodation property** in writing of any change to the contact details submitted with the application for the **registration** under sub-clause (d); and

(f) Ensure the designated **person** referred to in the application for **registration** responds to any complaint in relation to a breach of this Local Law within two hours of that enquiry being made.

(2) Sub-clauses (1)(d) and (1)(e) do not apply where the **owner** or **appointed agent** of a **Short Stay Rental Accommodation property** resides permanently on the premises.

(3) When assessing an application for registration under this clause the **owner** or **appointed agent** of **the Short Stay Rental Accommodation property** must supply a waste management plan.

(4) **Registration** operates from the date it is issued and expires 30 June the following year, unless it is cancelled sooner under this Local Law.

(5) **Registration** cannot be transferred to another **owner**.

100. Cancellation of Registration

(1) **Council** may cancel a **registration** if:

(a) Any material change occurs to the details which formed the basis on which **registration** was issued; or

(b) **Council** receives no less than three (3) **substantiated complaints** concerning the activities taking place at the **Short Stay Accommodation property** from residents located within the proximity of the **Short Stay Accommodation property** over a rolling period of twelve (12) months and such complaints would amount to a breach of this Local Law; or

(c) **Council** receives a single **substantiated complaint** that it determines is of such severity

that immediate cancellation is warranted; or

(d) The **owner** no longer requires the **property** to be registered as a **Short Stay Rental Accommodation property**; or

(e) There is a breach of any other legislation that has an impact on the safety of **occupants**.

(2) Subclause (1) does not apply where there is a change of **appointed agent** or the **person** designated as the point of contact for the **Short Stay Accommodation property** in the application for **registration**, provided that the updated details are given to **Council** within fourteen (14) days of the change occurring.

(3) **Council** is not required to refund any part of the **registration fee** paid by the applicant in respect of a cancelled **registration**.

(4) Where **Council** has cancelled a **registration**, the **owner** has twenty-eight (28) days from the date of **Council's** notice of cancellation of **registration** to provide written reasons to **Council** as to why the **registration** should not be cancelled.

(5) If a written submission is received by **Council** under sub-clause (4) within twenty-eight (28) days of cancellation, the information provided shall be considered and the **owner** will be given an opportunity to be heard by **Council** or a **Delegated Officer** and any such verbal submissions shall also be considered.

101. Record of Registrations

(1) A record of **registrations** issued by **Council** for the purposes of this Local Law must be maintained by **Council**.

(2) Any cancellations and corrections of **registrations** which have been issued under this Local Law are also to be recorded by **Council**.

Division 2 – Standard of Management

102. Standard of Management

(1) The **owner** or **appointed agent** must not use or allow to be used a **Short Stay Rental Accommodation property** in breach of this Local Law.

(2) The **owner** or **appointed agent** must provide the **occupier** of each **private property** adjoining and immediately across the road from the **Short Stay Rental Accommodation property** with the current contact details of the **person** who has been designated as a point of contact for the **Short Stay Rental Accommodation property**.

(3) Sub-clause (2) does not apply where the **owner** or **appointed agent** of a **Short Stay Rental Accommodation property** resides permanently on the premises.

(4) The **owner** or **appointed agent** must display and make Part 7 of this Local Law available to all **occupants** and visitors to the property, including availability on their website or any social media used by the **owner** or **appointed agent**, to promote the **Short Stay Rental Accommodation property** and must incorporate the Provisions of Part 7 of this Local Law into rental terms and conditions.

(5) The **owner, appointed agent** and **occupant** must ensure the use of the **Short Stay Rental Accommodation property** does not interfere with the reasonable use and

enjoyment by nearby residents of their **land**, or otherwise cause a nuisance.

(6) The **owner** or **appointed agent** must ensure that the number of maximum **occupants** per booking, as prescribed in the **registration,** is not exceeded.

(7) The **owner** or **appointed agent** must ensure that the maximum number of **vehicles** per booking, as prescribed in the **registration**, is not exceeded.

(8) Additional accommodation must not be provided or permitted on site by way of tents**, caravans** or similar facilities.

(9) The **owner** or **appointed agent** must have a waste management plan in place that has been approved by **Council.**

(10) Where a waste management plan is not approved by **Council, Council** will provide for a fee a 240 litre landfill bin to the **owner** or **appointed agent** of the **Short Stay Rental Accommodation property**, in addition to other **residential waste bins**.

(11) The **owner** or **appointed agent** must ensure that **occupants** are informed of waste disposal arrangements.

(12) The **owner** or **appointed agent** must ensure that any waste left at the **Short Stay Accommodation property** by any **person** that cannot be contained in the bins onsite is removed within twenty-four (24) hours of **occupants** departing.

(13) An **owner** or **appointed agent** must not leave a **residential waste bin** out for more than one day before or after the designated collection day.

PART 8 – ENFORCEMENT, OFFENCES AND PENALTIES

103. Exemptions

(1) **Council**, an **Authorised Officer** or a **Delegated Officer** may exempt a person or class of persons from the operation of any provision of this Local Law if it is in the public interest to do so.

(2) Any exemption under sub-clause (1):

(a) must be in writing; and

(b) may be subject to conditions.

104. Notice to Comply

(1) An **Authorised Officer** or **Delegated Officer** may, by serving a **Notice to Comply**, direct any owner, occupier or other relevant **person** to remedy any situation that constitutes a breach of this Local Law.

(2) A **Notice to Comply** must:

(a) specify the act, matter or thing that must be done or cease to be done;

(b) 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;

(c) specify the consequences or penalties that may apply if the **person** served with the **Notice to Comply** fails to remedy the situation in accordance with the **Notice to Comply**;

(d) be signed by the **Authorised Officer** or a **Delegated Officer** issuing it; and

(e) be served on the **person** named therein.

(3) The time to comply specified in a **Notice to Comply** must be reasonable in the circumstances having regard to:

(a) the amount of work involved; and

(b) the degree of difficulty; and

(c) the availability of necessary materials or other necessary items; and

(d) climatic conditions; and

(e) the degree of risk or potential risk posed by the situation; and

(f) any other relevant factor.

105. Urgent Circumstances

(1) An **Authorised Officer** or **Delegated Officer** may take action to remove, remedy or rectify circumstances which threaten a **person's** life, health or property, or an **animal,** ,

without serving a notice provided:

(a) they consider 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**, premises 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.

106. Power to Issue a Direction

(1) An **Authorised Officer** or a **Delegated Officer** may, by serving a direction, request any **owner** or **occupier** of property, or other **person** apparently responsible for a situation existing on that property, to remedy any situation that constitutes a breach of this Local Law.

(2) A direction may be verbal or written.

(3) An **owner** or **occupier** of property or other **person** to whom a direction is issued must comply with that direction.

107. Impounding

(1) If **an Authorised Officer** or **Delegated Officer** detects a thing in breach of, or being used contrary to, the provisions of this Local Law the **Authorised Officer** or **Delegated Officer**, may impound that thing provided:

(a) A **person** has failed to comply with a direction to cease the contravention; or

(b) A hazard arises.

(2) If an **Authorised Officer** or a **Delegated Officer** impounds a thing in accordance with this Local Law, **Council** may refuse to release it until the **appropriate fee** or charge for its release has been paid.

(3) As soon as possible after impounding, the **Authorised Officer** or **Delegated 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.

(4) If, after the time required in the notice, a thing is not collected, an **Authorised Officer** or a **Delegated Officer** may take action to dispose of or destroy the impounded thing.

(5) When the identity or whereabouts of the owner or **person** responsible for the impounded thing is unknown, an **Authorised Officer** or **Delegated Officer** must take reasonable steps to ascertain the identity or whereabouts of that **person** and contact that **person**, after which the **Authorised Officer** or **Delegated Officer** may proceed to dispose of or destroy the impounded thing in accordance with sub-clause (4).

(6) 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 six (6) months of sale.

108. Offences

(1) A **person** is guilty of an offence if the **person**:

(a) does something which a provision of this Local Law prohibits to be done or makes an offence;

(b) fails to do something which a provision of this Local Law requires to be done;

(c) engages in an activity without a **permit** or **registration** where a provision of this Local Law requires that **person** to obtain a **permit** or **registration** before engaging in that activity;

(d) breaches or fails to comply with a condition of a **permit** or **registration** issued or an exemption given under this Local Law;

(e) fails to comply with a **Notice to Comply** as directed under this Local Law;

(f) fails to comply with a direction by an **Authorised Officer** or **Delegated Officer**; or

(g) fails to comply with a sign erected by **Council.**

109. Offence to Falsify Information

(1) A **person** who:

(a) makes a false representation or declaration (whether oral or in writing) or allows such a representation or declaration to be made in or in relation to an application under this Local Law;

(b) omits or allows to be omitted relevant information from an application for a **permit, registration** or exemption; or

(c) falsifies or tampers or allows to falsified or tampered with any **permit** or **registration**

is guilty of an offence.

110. Penalties

(1) The maximum penalty for an offence against this Local Law is 20 penalty units.

111. Infringement Notices

(1) As an alternative to prosecution, an **Authorised Officer** or a **Delegated Officer** may serve an **infringement notice** on a **person** who they believe on reasonable grounds to have committed an offence against this Local Law.

(2) The penalties for I**nfringement notices** are set out in Schedule 1.

(3) If no penalty for an **infringement notice** in respect of an offence is set out in Schedule 1, the penalty for an **infringement notice** is 4 penalty units.

112. Appeals

(1) Any **person** who is aggrieved by any matter under this Local Law may make a written submission for consideration by **Council** within twenty-eight (28) days of the date of the matter concerned, but the making of any submission will not in any way remove that **person's** obligation to act in accordance with any obligations, directions or notices which are applicable under this Local Law.

(2) Sub-clause (1) does not confer a right for a person to make a submission under section 223 of the Act.

(3) A person may, in accordance with the *Infringements Act 2006,* apply for an internal review of a decision to serve an **Infringement Notice** on them.

(4) **Council** will inform all parties to an appeal of its decision in writing.

(5) On any submission on any matter under this Local Law (other than an appeal from an **Infringement Notice**) the decision of **Council** is final, excepting only review on legal grounds to the Supreme Court of Victoria.

SCHEDULE 1 – PENALTIES FOR INFRINGEMENT NOTICES

Clause	Topic	Infringement
	Part 3 – Property and Neighbourhood Amenity	
	Division 1 - Property	
19	Property addresses	2
20	Unsightly and dangerous properties	3
21	Dilapidated building	3
22	Fireworks	5
23	Camping on private property	3
24	Artificial light	2
25	Noise	2
26	Wind energy facility	5
	Division 2 – Trees and Vegetation	
27	Noxious weeds	2
28	Obstructions from private property (including trees)	2
29	Trees causing damage to a municipal place	3
30	Significant trees and protected trees	5
31	Nature strips	2
	Division 3 - Animals	
32	Keeping of animals generally	2
33	Housing of animals	2
34	Wasps	2
35	Bees	2
	Division 4 – Open Air Burning	
37	Burning of offensive materials	3
38	Restrictions on burning in the open air – private property	3
39	Restrictions on burning in the open air – municipal places	3
	Division 5 – Waste and Recycling	
40	Use of residential and non-residential waste bins	2
41	Collection and storage of residential and non-residential waste bins	2
42	Hard waste collection	2
43	Public place landfill or recycling bin	2
44	Trade waste bins (including trade recycling bins)	3
	Part 4 – Vehicles, Roads and Stock Movement	
45	Motor bikes and motorised recreational vehicles	2
46	Use of toy vehicles	2
47	Parking of vehicles in a municipal place	2
48	Display of vehicles for sale on a road or municipal place	2
49	Repair of vehicles on a road or municipal place	2
51	Heavy and long vehicles – storing	2
52	Livestock – fencing and confinement	3
53	Livestock – grazing, droving and movement on a road or municipal place	3
54	Animal waste on roads and in municipal places	2
55	Spoil on roads from vehicles	3
56	Transporting offensive waste on roads	2
	Part 5 – Municipal Places	

Clause	Topic	Infringement
	Division 1 – Use of Municipal Places	
57	Behaviour in a municipal place	2
58	Defacing or damaging a municipal place	5
59	Tree and vegetation protection in a municipal place	3
60	Obstructions in a municipal place	3
61	Access to municipal reserves and foreshore reserves	2
62	Camping in a municipal place	3
63	Interference with a water course	3
64	Availability and hire of a municipal building	3
65	Events	2
66	Street parties and street festivals	2
67	Glass containers	2
68	Filming in a municipal place	2
69	Riding animals in a municipal place	2
	Division 2 – Alcohol and Smoking	
70	Possession and consumption of alcohol in a municipal place	2
71	Alcohol free areas	2
72	Smoke free areas	2
	Division 3 – Trading, Fundraising and Promotional Activities	
73	Roadside trading or performing	2
74	Regulation of trading sites	2
75	Displaying of goods for sale	2
76	Use of a municipal place for outdoor eating facilities	2
77	Removing the outdoor eating facility	2
78	Advertising signs	2
79	Shopping trolleys	2
80	Collections	2
	Part 6 – Council Asset Protection and Building Site Amenity	
	Division 1 – Council Asset Protection	
81	Drainage, tapping and discharging groundwater	3
82	Occupation of roads or Council land	3
83	Council asset protection – building works	3
84	Damage to Council assets – building works	5
86	Requirement for vehicle crossings	3
87	Constructing a vehicle crossing	3
	Division 2 – Building Site Amenity	
88	Site identification	3
89	Site fencing	3
90	Vehicular site access	3
91	Site toilets	3
92	Stormwater protection	3
93	Containment and removal of building site waste	3
94	Direction to cease building works	3
	Part 7 – Short Stay Rental Accommodation	
	Division 1 - Registration	
95	Registration required	3
	Division 2 – Standard of Management	
102	Standard of management	3
	Part 8 – Enforcement, Offences and Penalties	

Clause	Topic	Infringement
104	Notice to comply	5
106	Power to issue direction	5
109	Offence to falsify information	5

RESOLUTION

The resolution for the making of this Local Law was made by Bass Coast Shire Council on 20 July 2022.

The COMMON SEAL of)

BASS COAST SHIRE COUNCIL)

was affixed this 25 July 2022)

in the presence of



.....

Chief Executive Officer

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Mayor