



Maribyrnong
CITY COUNCIL

GENERAL PURPOSES LOCAL LAW

2015

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MARIBYRNONG CITY COUNCIL

GENERAL PURPOSES LOCAL LAW 2015

PART 1

PRELIMINARY

1 Title

This is the General Purposes Local Law 2015 of the Maribyrnong City Council.

2 Purposes of the Local Law

This Local Law is made for the purposes of providing for the peace, order and good government of the municipal district by managing, regulating and controlling activities and uses on any land to:

- (a) promote a physical and social environment free from hazards to health or public safety, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- (b) prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district;
- (c) prohibit, regulate and control activities or behaviour which may be dangerous, or detrimental to the quality of life and the environment of the municipal district or which could compromise public safety, Council land or assets;
- (d) provide processes and requirements that complement Council Policies, guidelines or other documents incorporated by reference in the Local Law; and
- (e) provide for the administration and enforcement of the Local Law.

3 Authorising Provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

4 Operation Date

This Local Law operates from *18 November 2015*.

5 Revocation

This Local Law ceases to operate on *17 November 2025*.

6 Application

- (1) This Local Law applies and has operation throughout the whole of the Municipal District.
- (2) This Local Law does not apply where any act or thing regulated by it is authorised by any Act, other subordinate legislation or the Planning Scheme.
- (3) The Council may declare or designate areas for the purposes of this Local Law which prohibits or limits the places where specific uses or activities may occur.
- (4) Where the Council declares or designates areas under this Local Law it must ensure that those declared or designated areas are included in:
 - (a) the Local Laws Register;
 - (b) identified on maps or by a geographic description and are published on the Council's website and available in hard copy at the Council's office.
- (5) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (6) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.

7 Interpretation

- (1) Unless the contrary intention appears in this Local Law, the following words are defined as indicated and are in the singular:

WORDS	MEANING
The Act	The <i>Local Government Act 1989</i> .
Alcohol	A beverage intended or used for human consumption, which has an alcoholic content.
Alcohol Restriction Area	An area declared by Council where the consumption of alcohol or the possession of alcohol in an open container is prohibited.
Animal	Includes every species of quadruped, every species of bird and reptile.
Authorised Officer	Any person appointed by the Council to be an Authorised Officer under section 224 of <i>the Act</i> .
Builder	A person who has been nominated as the builder on the building permit, and if no such application has been made, the person in charge of the building work being carried out.

Builder's Refuse	Includes any potential stormwater pollutant, solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.
Building	Includes any structure or building, whether temporary or permanent, or any part of such building or structure.
Building site	Any land on which building work is carried out.
Building work	Any work for which a building permit has been issued for the construction, demolition, renovation, alteration, removal or relocation of any building or structure and includes any excavations, the delivery of any machinery, equipment or building materials to the building site or any preparatory or ancillary work on the building site.
Bulk rubbish container	A bin, skip or other container used for the deposit of waste and includes those with lids, wheels or mobile skips, but excludes a bin provided by Council as part of its waste collection service.
Camp	includes erecting or occupying a tent, other structure or a vehicle for temporary accommodation.
Caravan	Includes a caravan, motorhome, camper van, mobile home or moveable dwelling.
Chief Executive Officer	The person appointed as the Chief Executive Officer of the Council.
Clothing recycling bin	A bin or similar structure used for the collection of used clothing (whether or not it is used for the collection of other goods).
Container	A suitable rubbish container capable of containing debris and other waste within the building site.
Contaminated material	Any material designated by Council as unacceptable for depositing in a bin provided by Council as part of its waste collection service and published on Council's website or in other material provided to residents.
The Council	The Maribyrnong City Council.
Council land	Any land vested in or under the control of the Council, including reserves, watercourses, reservations and the like, but excludes a road.
Dwelling	Any building or portion of a building which is used, intended, adapted or designed for use for living.

Emergency service	A body or corporation deemed to be an “emergency service” by the Council or an Authorised Officer from time to time.
Frontage	A boundary between a property and an adjoining road. If a property adjoins more than one road, the frontage is the boundary between the property and the road to which the largest building on the property fronts.
Graffiti	Is any unauthorised drawing or writing.
Heavy vehicle	Has the same meaning as clause 200 of the <i>Road Safety (Road Rules) 2009</i> .
Incinerator	A structure, device or piece of equipment which is designed, adapted, used or capable of being used for the burning of any material or substance and which is not: <ul style="list-style-type: none"> (a) Enclosed in any building; (b) A barbecue; or (c) Licensed under the provisions of the <i>Environment Protection Act 1970</i>.
Litter	Has the same meaning as the <i>Environment Protection Act 1970</i> .
Litter device	An apparatus, which can be used for the purpose of removing animal excrement and includes a paper or plastic bag.
Minor building work	Building work valued at less than \$5,000 but excludes demolition and removal of buildings and structures (regardless of value).
Municipal District	The Municipal District of the Council.
Multi residential dwelling	More than 1 dwelling erected on 1 parcel of land.
Noxious weeds	Has the same meaning as the <i>Catchment and Land Protection Act 1994</i> .
Owner	Has the same meaning as section 3 of <i>the Act</i> .
Owner Animal	Has the same meaning as in the <i>Domestic Animals Act 1994</i> .
Owner Vehicle	The person who has the immediate right to possession of the vehicle.
Penalty unit	Has the same meaning as the <i>Sentencing Act 1991</i> .
Poultry	Includes ducks, chickens, geese, peacocks, pheasants, turkeys and guinea fowl of any age.
Planning Scheme	Is the Maribyrnong Planning Scheme.

Premises	Includes the whole or part of any land, building or any building under construction.
Property	Any land, building or dwelling in separate ownership or separate occupation within the Municipal District.
Public body	Any government department or body established for a public purpose by or under an Act of the Parliament of Victoria, any other State or Territory of the Commonwealth, or the Commonwealth, and includes any water authority established by or under such Acts.
Public place	Has the same meaning as the <i>Summary Offences Act 1966</i> .
Recreational vehicle	Any mini bike, trail bike, motor bike, motor scooter, go-cart or other vehicle propelled by a motor which is normally used for recreational purposes, but does not include a motorised wheelchair.
Recyclable goods	Any substances or articles declared by the Council or an Authorised Officer to be “recyclable goods” for the purposes of this Local Law from time to time.
Reptile	A snake, lizard, frog, turtle or tortoise of any age.
Residential Zone	Is land zoned residential under the City of Maribyrnong Planning Scheme.
Road	Has the same meaning as section 3 of <i>the Act</i> .
Rooster	The male specie of domestic fowl.
Service authority	A body or corporation deemed to be a “service authority” by the Council or an Authorised Officer from time to time.
Shopping trolley	A wheeled cart supplied by a retailer to enable customers to transport goods purchased from the retailer from one place to another.
Sign	Any placard, board, sign, card or banner, whether portable or affixed or attached to any land, building, vehicle or trailer which: <ul style="list-style-type: none"> (a) Provides information about the occupier of the land or building, or a business or industry; (b) Advertises goods, services, an event or a competition; or (c) Provides directions to the location of property or land, which is available for pre-sale inspection.

Solicit	Does not include the displaying of goods in a shop window, which are for sale at that shop, or the displaying of any kind of advertising material in a shop window.
Toy Vehicle	Means: <ul style="list-style-type: none"> (a) A vehicle designed to be propelled by human power and includes a scooter, skate board, roller skates, roller blades and like toys; and (b) A remote control aeroplane or vehicle.
Unsightly building	A building which is kept in manner that is detrimental to the general amenity of the neighbourhood and includes a building which is defaced by graffiti.
Unsightly land	Land which is unkempt and is detrimental to the general amenity of the neighbourhood and includes land which: <ul style="list-style-type: none"> (a) harbours unconstrained rubbish and litter or disused excavation or waste material; and (b) contains non-native grass, noxious weeds, weeds and undergrowth which exceeds a height of 150mm.
Vehicle	Any form of conveyance propelled or drawn by human, animal, mechanical, electrical or other power, and includes a motorcar, a caravan, a motorbike, a trailer, a tractor, a recreational vehicle, and all goods and chattels attached to a form of conveyance.
Waste	All refuse or rubbish produced or accumulated in or on any property, but does not include: <ul style="list-style-type: none"> (a) slops or liquid wastes; (b) waste generated from building work including but not limited to bricks, concrete, masonry, dirt, soil, sand and timber; (c) waste generated from the restoration, repair or servicing of motor vehicles; (d) ash, unless it is: <ul style="list-style-type: none"> (i) cold; (ii) dampened; and (iii) wrapped or contained in a manner which prevents its escape; (e) trade waste;

- (f) oil, paints, solvents, herbicides and similar chemical substances (except paint residue contained in a sealed container);
 - (g) hazardous chemicals;
 - (h) volatile, explosive or flammable substances;
 - (i) any waste that cannot be contained in an approved garbage bin due to its size, shape, nature or volume;
 - (j) medical, sharps, infectious or veterinary waste;
 - (k) human or animal waste;
 - (l) nightsoil except that disposable nappies may be placed in securely wrapped impervious material; or
 - (m) dust or fire particle waste, unless cleanly and securely wrapped.
 - (n) Any other substance declared by the Council or an Authorised Officer not to constitute waste for the purposes of this Local Law from time to time.
- (2) The provisions of the Interpretation of *Legislation Act 1984* will be applied in aid of interpreting this Local Law and in facilitating the achievement of the objectives of the Local Law.
- (3) Unless the context requires otherwise, a reference to “the Council” in this Local Law includes a reference to an Authorised Officer who has been delegated the power to administer and enforce this Local Law and to exercise any discretion when required by this Local Law.

PART 2

COUNCIL LAND

8 Council Land and Roads – requirements applying to use

- (1) A person using Council land or a road must comply with:
- (a) any signs or conditions of entry or use;
 - (b) any conditions of membership that the Council has applied to the use; or
 - (c) any lawful direction of an Authorised Officer or a person in charge of a facility on Council land.

Penalty: 5 Penalty Units

- (2) A person using Council land or a road must not behave in a way or engage in any activity that could risk or endanger, cause harm or injury¹ to any other person or which interferes with any other person's reasonable enjoyment or use of that land or road.

Penalty: 20 Penalty Units

- (3) A person must not:
- (a) carry out any work, use or activity; or
 - (b) allow any tree or vegetation or other condition on land owned or occupied by him or her –

to interfere with, cause damage to or create a risk to anything on Council land or a road.

Penalty: 5 Penalty Units

- (4) The restrictions in sub-clause (3) do not apply to a member of Council staff, a person contracted by the Council, a member of a public authority or an employee of a utility carrying out their duties.

9 Activities which may be permitted

A person on Council land must not, without a permit:

- (a) fly or permit to be flown any remote controlled toy or model aeroplane;
- (b) drive a vehicle or ride a horse except for:
 - (i) parking a vehicle in a parking area which is identified by signs for that purpose;
 - (ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or child's toy along a footpath: or
 - (iii) driving a vehicle or riding a horse on a road or bicycle path in accordance with any applicable legislation;

¹ For example: a person using a forklift to load or unload goods from a vehicle on a road or Council land may potentially injure a person or cause damage to Council land or roads.

- (c) light a fire or permit any fire to remain alight except in a barbecue provided by the Council;
- (d) play, organise, practice or engage in any competitive sport or game;
- (e) conduct or celebrate a wedding;
- (f) hold any circus, carnival or fair or event;
- (g) organise, hold or participate in any rally, procession, demonstration or other public gathering; or
- (h) make a collection of money,
- (i) place or store anything.

Penalty: 20 penalty units

10 Camping on Council Land or Roads

A person must not, without a permit:

- (a) camp; or
- (b) occupy a-
 - (i) caravan;
 - (ii) tent or similar structure; or
 - (iii) a vehicle -

on Council land or road.

Penalty: 10 penalty units

11 Busking

A person must not, without a permit, on any road or Council land -

- (a) sound or play any musical instrument;
- (b) sing;
- (c) harangue or recite;
- (d) perform conjuring tricks;
- (e) juggle;
- (f) dance;
- (g) engage in miming or puppetry;
- (h) perform like activities; or
- (i) footpath art.

Penalty: 5 penalty units

PART 3

CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

12 Declaration of alcohol restriction areas

- (1) The Council may declare an area of the municipal district to be an alcohol restriction area but the Council must give public notice of the proposed declaration before a declaration is made.
- (2) Following a declaration made by Council under subclause (1), the Council must ensure that signs are erected which designates an area as an alcohol restriction area.
- (3) A declaration may define an alcohol restriction area by:
 - (a) description; or
 - (b) plan or map.
- (4) An alcohol restriction area may be defined to include areas, which are not contiguous one with another.
- (5) A declaration may be made to operate:
 - (a) at specified periods of the day;
 - (b) at specified periods of the year;
 - (c) in respect of specified types of alcoholic beverages.

13 Offence to consume or possess alcohol in an alcohol restriction area

Unless in accordance with a permit, a person must not on a road or Council land or in or on a stationary vehicle on a road or in or at or on any public place within an alcohol restriction area:

- (a) consume alcohol; or
- (b) be in possession of alcohol, other than in a sealed container.

Penalty: 20 penalty units

14 Exemption to Clause 12

Clause 12(1) does not apply to:

- (a) a function or activity:
 - on a road;
 - In, at or on any Council land; or
 - in or on a stationary vehicle on a road or in or at or on any Council land

in respect of which Council has given its written consent for alcohol to be consumed or for a person to have any alcohol in their possession or control;

- (b) authorised or licensed premises under the Liquor Control Reform Act 1998; or
- (c) any function or activity in on or at any part of any Council land that:
 - has been leased to a person carrying on the function or activity; or
 - is subject to a specific permission that permits a function or activity by the person or body having the care, control or management of that part of any Council land.

15 Authorised Officer Directions

An Authorised Officer may:

- (a) direct that a receptacle containing alcohol in the possession of a person be sealed or emptied if the person is to remain in a public place, in which case the person possessing the receptacle must comply with the direction;
- (b) seize and immediately dispose of the receptacle and may direct the person in possession of the receptacle to vacate the public place.

Penalty: 20 penalty units

PART 4

USE OF LAND

16 Standards applying to Land and Buildings

- (1) A person must not allow or permit land of which he or she is the owner or occupier to be kept in a manner, which is:
- (a) unsightly;
 - (b) dangerous;
 - (c) a nuisance; or
 - (d) detrimental to the general amenity of the neighbourhood in which it is located.

Penalty: 20 penalty units

- (2) The owner or occupier of any land must not permit anything on that land, or a building or a fence on the land that abuts a road to –
- (a) be kept in a manner which is unsightly or ruinous or detrimental to the general amenity of the neighbourhood in which it is located;
 - (b) become unsightly, derelict or detrimental to the general amenity of the neighbourhood in which it is located; or
 - (c) be a risk or a nuisance² to adjoining land or Council land.

Penalty: 20 penalty units

17 Circuses, Carnivals and Festivals

- (1) A person must not, without a permit, hold or permit to be held a –
- (a) circus;
 - (b) carnival; or
 - (c) festival –
- on any land.

Penalty: 20 penalty units

- (2) In deciding whether or not to grant a permit under subclause (1), the Council may consider the requirements of:
- (a) a Good Neighbour Code of Practice for a Circus or a Carnival 1997;
 - (b) The Code of Practice for the Public Display and Exhibition of Animals 2001; or
 - (c) any other matter relevant to the circumstances of the application.

² For example: stormwater from one property flowing on to another property because it is not being directed into the property's legal point of discharge.

- (3) A person must not, without a license agreement, hold or permit to be held a –
- (a) circus;
 - (b) carnival; or
 - (c) festival –
- on Council land.

Penalty: 20 penalty units

PART 5

CLOTHING RECYCLING BINS

18 Clothing Recycling Bins

A person must not place a clothing recycling bin on a road or Council land.

Penalty: 20 penalty units

PART 6

CAMPING AND CARAVANS

19 Camping – responsibility of land owner or occupier

The owner or occupier of any land must not, without a permit, allow any person to –

- (a) occupy; or
- (b) place or cause to be placed for the purposes of occupation
 - any –
 - (i) caravan or motor home;
 - (ii) shipping container;
 - (iii) tent or like structure; or
 - (iv) a vehicle –

on any land, unless the occupation of –

- (i) caravans;
- (ii) shipping container;
- (iii) tent or like structure; or
- (iv) a vehicle–

is permitted under the Planning Scheme.

Penalty: 20 penalty units

20 Camping – responsibility of a camper

A person must not, without a permit, occupy, or cause to be occupied any caravan, tent, marquee, or like structure on any land, unless the occupation of the caravan, tent, marquee, or like structure on the land is permitted under the Planning Scheme.

Penalty: 10 penalty units

PART 7

NUMBERING PROPERTIES

21 Numbering

A person must not:

- (a) number;
- (b) display a number in respect to; or
- (c) use a number to identify

premises unless the number has been allocated to the premises or approved for use in relation to the premises by Council.

Penalty: 5 penalty units

22 Maintaining Numbering

If Council has allocated a number to premises, the owner or occupier of those premises must:

- (a) mark and keep marked the premises with the number allocated by Council; and
- (b) renew or replace the number as often as may be necessary.

Penalty: 5 penalty units

23 Condition of Numbering

For the purposes of clause 22 the number must be:

- (a) of sufficient size;
- (b) displayed accurately and completely;
- (c) in good repair;
- (d) distinct from its background;
- (e) free from obstruction; and
- (f) clearly read under all normal lighting conditions from the road immediately adjacent to the front boundary of the premises.

Penalty: 5 penalty units

PART 8

SIGNS, GOODS AND FURNITURE

24 Signs, Goods and Furniture

- (1) A person must not, without a permit –
- (a) display or permit to be displayed any goods on a road or Council land;
 - (b) place or allow to be placed a sign on a road or Council land;
 - (c) place or allow to be placed a seat, umbrella, table, chair or other furniture or equipment on a road or Council land;
 - (d) place or affix any letter, figure, item, poster, sign or advertisement on any building, fence, or other property under the control of Council or any statutory or government authority -

unless permitted to do so under the Planning Scheme.

Penalty: 20 penalty units

- (2) In addition to complying with any conditions of a permit, a person placing any signs, goods or furniture on a road or Council land must comply with any requirements in the Council's current Commercial Street Furniture Guidelines.

Penalty: 20 penalty units

- (3) If an advertising sign is placed in breach of subclause (1) the following are each guilty of an offence whether or not the person who placed the sign is identified or prosecuted:
- (a) the person who is the owner of the premises, property, business, event or activity to which the advertising sign relates;
 - (b) the person who has management and control of premises, property, business, event or activity to which the advertising sign relates;
 - (c) the person who is a promoter of the premises, property, business, event or activity to which the advertising sign relates;
 - (d) the person who printed the advertising sign or whose name is on the advertising sign as the printer;
 - (e) the person who commissioned the printing of the advertising sign; and
 - (f) the person who is responsible for placing, siting or distributing the advertising sign including the person who engages another whether as an employee or agent to place, site or distribute the advertising sign.

- (4) A person who has placed, permitted to be placed, displayed or permitted to be displayed –
- (a) goods;
 - (b) a sign; or
 - (c) a seat, umbrella, table, chair or other furniture –
 - (d) letter, figure, item, poster, sign or advertisement on any building, fence or Council land, whether with or without a permit issued under subclause (1), must move or remove the –
 - (i) goods;
 - (ii) sign; or
 - (iii) seat, umbrella, table, chair or other furniture-
 - (e) letter, figure, item, poster, sign or advertisement if directed to do so by:
 - (i) an Authorised Officer;
 - (ii) a member of the Victoria Police; or
 - (iii) a member of an emergency service.

Penalty: 20 penalty units

PART 9

SALE OF GOODS, STREET COLLECTIONS AND SPRUICKING

25 Persons Selling Goods

- (1) Unless permitted under the Planning Scheme a person must not, without a permit, sell or display any goods from:
- (a) a stall;
 - (b) a vehicle;
 - (c) a caravan;
 - (d) a trailer;
 - (e) a barrow;
 - (f) a box;
 - (g) a crate;
 - (h) a bag; or
 - (i) any other receptacle –
standing or placed on:
 - (j) a road;
 - (k) Council land;
 - (l) vacant land; or
 - (m) land which is not ordinarily occupied by the person.

Penalty: 20 penalty units

- (2) A person must not without a permit sell any goods carried about on the person or on any animal or vehicle:
- (a) on a road; or
 - (b) on Council land.

Penalty: 20 penalty units

- (3) A person who undertakes a use or activity under this Part must ensure that the use or activity does not impact detrimentally on people or property in the neighbourhood because of:
- (a) unreasonable or excessive noise including from noise caused by people using the use or activity, amplified music or announcements, refrigeration, air conditioning or heating equipment or any other mechanical equipment;
 - (b) smell from waste associated with the use or activity; or
 - (c) litter or lack of cleanliness associated with the use or activity.

Penalty: 20 penalty units

26 Street Collection and Distribution

A person must not, without a permit, solicit, distribute or collect –

- (a) on a road;
- (b) on Council land;
- (c) on a vehicle; or
- (d) from door to door –

any gifts, pamphlets, flyers or subscriptions for any purpose or cause or authorise another person to do so.

Penalty: 20 penalty units

27 Spruiking

A person must not, without a permit –

- (a) on a road or Council land; or
- (b) from any land adjacent to a road or Council land to such persons on the road or Council land –

spruik, tout or solicit the sale of any goods or services.

Penalty: 20 penalty units

PART 10

BUILDING SITES

28 Permit Requirements for Building Works

- (1) Where it is proposed to undertake building work which requires a building permit, the owner of land or the owner's builder must:
 - (a) give Council 7 days' notice of the intention to commence building works; and
 - (b) must obtain an Asset Protection Permit before the commencement of the building works; and
 - (c) must pay the Council the bond determined under clause 32.

Penalty: 20 penalty units

- (2) The owner of the land or the owner's builder must not commence any building work unless the required permits are obtained.³

Penalty: 20 penalty units

- (3) If the owner of the land or the owner's builder fails to obtain an Asset Protection Permit, it will be deemed that there was no prior damage to any part of the adjoining road, Council land or infrastructure before building works commenced on the land.

29 Requirements of an Asset Protection Permit

An Asset Protection Permit may require any or all of the following conditions be met prior to the commencement of any building works.

- (a) appropriate measures to mitigate risk or damage to an existing vehicle crossing, kerb and channel or other Council infrastructure in the road;
- (b) appropriate measures to mitigate risk or damage to Council drains from stormwater, waste or other materials coming from the building site;
- (c) protection zones for nature strip trees and infrastructure;
- (d) clear access for footpath pedestrians; and
- (e) any other conditions considered necessary to protect Council's assets and the amenity of the neighbourhood.

Penalty 10 Penalty Units

³ A vehicle crossing permit may be required under clause 38, a road opening permit may be required under clause 33 or a permit to place an obstruction on a road may be required under clause 37. If these permits are not required prior to commencing building work, it may become necessary to obtain such a permit during progress of the building work.

30 General requirements applying to Building Sites

- (1) Where any building work (other than minor building work) is being carried out on any land, the owner or the owner's builder must:
 - (a) erect a temporary fence:
 - (i) that complies with any applicable building standards;
 - (ii) which must be maintained for the duration of the building works;
 - (iii) has only one entry point; and
 - (iv) is constructed within the boundaries of the building site;
 - (b) display an identification sign on the building site containing the information required by the Building Regulations 2006;
 - (c) provide appropriate containers for all litter, rubbish and other waste on the building site which must:
 - (i) be maintained so that litter, rubbish and other waste placed in it is not overflowing;
 - (ii) be emptied as often as necessary to ensure that litter and rubbish do not escape from the building site; and
 - (iii) if necessary, ensure that a replacement container is provided while a container is being emptied;
 - (d) provide appropriate sanitary facilities;
 - (e) ensure that dust, litter and rubbish, building materials or runoff from the building site does not escape from the building site; and
 - (f) ensure that a copy of the Asset Protection Permit is kept on the building site and is produced to an Authorised Officer when requested to do so.

Penalty: 20 penalty units

- (2) Where any building work is being carried out on any land, the owner or the owner's builder must manage the building site to ensure that:
 - (a) building works are contained entirely within the building site;
 - (b) building materials or equipment used for building works are kept on the building site and not placed on a road or Council land unless it is permitted under the Asset Protection Permit or any other permit issued by the Council; and ⁴
 - (c) any temporary structures are secured or braced so that they do not collapse or are blown from the building site onto a road, Council land or adjoining properties.

Penalty: 20 penalty units

⁴ For example, clause 9(i) requires a permit to place or store anything on Council land or clause 33 requires a permit to occupy a road for works.

- (3) Except in the case of an emergency or in accordance with a permit, an owner, the owner's builder or the owner's agent must ensure that no building works are undertaken outside of the following hours:
 - (a) 7am and 8pm – Mondays to Fridays
 - (b) 9am and 6pm – Saturdays.

Penalty: 20 Penalty Units

- (4) An owner or occupier of land is exempt from subclause (3) and may undertake building works on a Sunday between 9am and 6pm on premises that they are living in.⁵

31 Removal of Builders' Rubbish on completion of building works

- (a) On any land where building work is being or has been carried out, the owner or the owner's builder must remove and lawfully dispose of all rubbish referred to in clause 30(1)(c) within 7 days of completion of the building work an occupancy permit being issued, whichever occurs last.
- (b) The driver of any vehicle involved in placing or removing a builders' rubbish container must access the building site by way of a temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission.

Penalty: 20 penalty units

32 Requirement for Bond

- (1) If in the opinion of Council or an Authorised Officer it is likely that any Council asset may be damaged in the course of any building work for which a building permit has been obtained, the owner or occupier of the land must pay a bond to Council.
- (2) The amount of the bond under subclause (1) must be determined by Council or the Authorised Officer having regard to the probable cost of repairing any damage that is likely to be caused.
- (3) The owner or occupier of land must repair any damage to Council assets that occurs as a result of the building works for which a permit has been granted.
- (4) Any bond or part of a bond paid to Council under subclause (1) may be retained by Council to meet the cost of repairing any damage which an owner or occupier has failed to repair in accordance with his or her obligations under subclause (3).
- (5) For the purpose of subclause (3) Council or an Authorised Officer may determine the cost of repairs to Council assets.
- (6) Council must refund any bond or part of a bond paid to it under subclause (1) if Council is satisfied that:
 - (a) there has been no damage to Council assets as a consequence of the building works; or
 - (b) any such damage has been repaired in accordance with subclause (3) to the Council's satisfaction.

⁵ This exception does not negate the need for owner /occupiers to comply with the prescribed times in the Environment Protection (Residential Noise) Regulations 2008.

PART 11

HAZARDS ON ROADS

33 Occupation of Roads for Works

A person must not, without a permit:

- (a) occupy or fence off;
- (b) erect a hoarding on;
- (c) use a mobile crane or travel tower for any work on;
- (d) make a hole or excavation in;
- (e) fill a hole or excavation in;
- (f) deposit building materials in –

any road or part of a road under the control of the Council.

Penalty: 20 penalty units

34 Spoil on Roads

(1) A person must not –

- (a) drive; or
- (b) permit or cause to be driven a vehicle on a road;

unless the wheels and tyres of the vehicle are free from soil, earth, clay or like substances.

Penalty: 20 penalty units

(2) A person must not permit any soil, earth, mud, clay, cement slurry, liquid waste or like substance to fall or escape onto a road from any vehicle which he or she is driving.

Penalty: 20 penalty units

(3) A person must not permit any grease, oil, mud, clay, cement slurry or like substance to run off a motor vehicle he or she is cleaning onto a road, or into a drain.

Penalty: 20 penalty units

35 Shopping Trolleys

(1) A person must not leave a shopping trolley in any area except in an area designated for the return of shopping trolleys.

Penalty: 5 Penalty Units

- (2) A retailer who provides more than 15 trolleys shopping trolleys for use by customers must:
 - (a) implement effective trolley management systems⁶ to ensure that trolleys are not taken from the retailer's land⁷; and
 - (b) identify on each trolley the name of the corporate body that the trolley belongs to and the address of the store that has provided it for use by customers.

Penalty: 10 Penalty Units

- (3) If a shopping trolley is left on any land, road or public place and impounded by Council, the corporate body identified on the trolley will for the purposes of clause 70, be considered to be the owner of the trolley and will be served with an Impounding Notice.
- (4) If an impounded trolley has not been collected within 10 days of the date on the Impounding Notice, the Council may, in addition to the impounding fee, issue an infringement notice for each trolley that has been impounded.

36 Overhanging Obstructions

An owner or occupier of land must not permit any sign, tree, shrub or hedge located on the land to overhang the boundary of the land and:

- (a) obstruct the clear view of the driver of any motor vehicle travelling along the road abutting the land;
- (b) encroach upon any adjacent road or Council land; or
- (c) otherwise prejudice the safe and convenient use of any road abutting the land.

Penalty: 20 penalty units

37 Obstructions on Roads and Council Land

- (1) A person must not, without a permit:
 - (a) leave or permit to be left a bulk rubbish container on a road or Council land;
 - (b) leave or place any other thing that encroaches on or obstructs the free use of a road or Council land or that reduces the breadth or confines the limit of a road or Council land; or
 - (c) landscape a nature strip -

unless permitted to do so under any Act, regulation or local law.

Penalty: 20 penalty units

⁶ Effective trolley management systems may include coin or token operated trolleys, radio signal technology on trolleys, electronic controls around boundaries or collection services shared between retailers in the municipality intended to ensure that trolleys remain on the retailer's land.

⁷ "Retailer's land" may vary depending on the arrangements. For instance, a retailer may own or occupy a separate site or may have arrangements in place where a retailer located in a shopping centre has provision made on land associated with the centre for trolley return.

- (2) This clause does not apply to the works or activities of a service authority.
- (3) In addition to complying with any conditions of a permit a person landscaping a footpath under subclause (1)(c) must comply with any requirements in the Council's current Policy on Landscaping Naturestrips.

PART 12

VEHICLE CROSSINGS

38 Vehicle Crossings

- (1) A person must not without a Vehicle Crossing Permit construct a temporary or permanent vehicle crossing.

Penalty: 20 penalty units

- (2) The Council or an Authorised Officer may require –
- (a) the construction of a temporary or permanent vehicle crossing; or
 - (b) the repair or reconstruction of a vehicle crossing –
- by the owner or occupier of any abutting allotment.
- (3) The Council or an Authorised Officer may by notice in writing require the removal of any vehicle crossing and the reinstatement of any kerb, drain, footpath, nature strip or other part of a road if in the opinion of the Council or an Authorised Officer, the vehicle crossing is redundant or has been constructed in breach of subclause (1) or the conditions of a permit issued under subclause (1).

Penalty: 20 penalty units

- (4) Any work in respect of a –
- (a) road;
 - (b) kerb;
 - (c) drain; or
 - (d) vehicle crossing

performed under this Part must be performed to the satisfaction of the Council or an Authorised Officer.

PART 13

MOTOR VEHICLES

39 Heavy Vehicles

- (1) The Council or an Authorised Officer may erect signs indicating any prohibition or restriction on the use of a road by any motor vehicle of or over a specified size or weight.
- (2) An owner or driver of a heavy vehicle must not drive or permit or cause to be driven a motor vehicle on a road where a sign has been erected under subclause (1) unless a permit has been obtained from Council.

Penalty: 20 penalty units

- (3) Unless permitted under the Planning Scheme, the owner or occupier of any land must not without a permit –
 - (a) keep; or
 - (b) allow to be kept –a heavy vehicle on any land in a residential zone.

Penalty: 20 penalty units

40 Repair and Display of Vehicles

- (1) A person must not in relation to a vehicle:
 - (a) paint;
 - (b) service;
 - (c) wash or carry out maintenance on it except to enable it to be removed; or
 - (d) repair or dismantle it;on a road or Council land.

Penalty: 20 penalty units

- (2) A person in the course of conducting a business for the sale or hire of vehicles must not without a permit display the vehicles on a road or Council land.

Penalty: 20 penalty units

PART 14

RECREATIONAL AND TOY VEHICLES

41 Use of Recreational Vehicles

- (1) A person must not without a permit –
- (a) use; or
 - (b) permit a person under his or her care or control to use –

a recreational vehicle on any land except a road.

Penalty: 10 penalty units

- (2) A person must not:
- (a) use; or
 - (b) permit a person under his or her care or control to use –

a recreational vehicle on any land in a manner which:

- (c) causes a nuisance;
- (d) causes damage to any property or injury to any person; or
- (e) in the opinion of an Authorised Officer is likely to cause damage to any property or injury to any person.

Penalty: 10 penalty units

- (3) The owner or occupier of land must not without a permit allow a person to use a recreational vehicle on land owned or occupied by him or her.

Penalty: 10 penalty units

42 Toy Vehicles and Bicycles

A person must not in a public place use, place or leave a toy vehicle or bicycle or a remote controlled vehicle or toy in such a manner as to interfere with the passage of or cause a nuisance or danger to any person on or using the public place.

Penalty: 10 penalty units

PART 15

ANIMALS AND BIRDS

43 Application

This Part does not apply to any land –

- (a) upon which an animal hospital or veterinary practice is located; or
- (b) if the use of the land for this purpose is permitted under a Planning Scheme applicable to the land.

In this Part any reference to “poultry” does not include a reference to “rooster”.

44 Keeping Animals - numbers and types

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

Type of Animal	Maximum allowed on land	Maximum allowed - multi residential dwelling
Birds		
Budgerigars, canaries and finches	25	5
Pigeons	10	Not Permitted
Racing pigeons	30	Not Permitted
Poultry (except roosters)	10	Not Permitted
Dogs (over 3 months old)	3	2
Dogs (under (3) months old)	4	4
Cats (over (3) months old)	3	2
Cats (under (3) months old)	4	4
Reptiles	10	5
Ferrets, guinea pigs, rabbits or mice	8	2

Penalty: 20 penalty units

- (2) A person must not keep a rooster on any land in the municipal district.

Penalty: 10 penalty units

45 Wasps and Bees

An owner or occupier of a property who has detected:

- (a) a wasp or wasp nest on that property; or
- (b) bee swarm on that property -

must not allow that wasp nest or bee swarm to remain on the property and must remove that wasp nest or bee swarm from the property as soon as practicable after detection.

Penalty: 2.5 penalty units

46 Animal Shelters

- (1) Any land or structure used for housing an animal or poultry must be located and maintained:
 - (a) in a clean, inoffensive and sanitary condition;
 - (b) so as not to cause any nuisance; and
 - (c) to the satisfaction of an Authorised Officer.

Penalty: 20 penalty units

- (2) The occupier of land on which an animal or poultry is kept must ensure that:
 - (a) Poultry is not kept in or has access to the front yard of any property;
 - (b) Any structure⁸ used for housing an animal or poultry is not located within:
 - (i) 18 metres from any road to which the land has a frontage;
 - (ii) 3 metres from any other road;
 - (c) the ground surrounding the place where the animal or poultry is kept is free from:
 - (i) weeds;
 - (ii) refuse;
 - (iii) rubbish; and
 - (iv) other material harbouring, or which may harbour, rats or vermin;
 - (d) all food for consumption by an animal or poultry is kept or stored in a vermin and fly-proof container;
 - (e) all manure, excrement, refuse or rubbish produced or accumulated by the animal or poultry is, as soon after the production or accumulation as is reasonably practicable, placed in a container:
 - (i) which is sanitary, impervious and vermin and fly- proof; and

⁸ This includes any pen, compound or yard attached to the poultry house or pigeon loft.

- (ii) the contents of which are removed and disposed of at least once every week, or at such other intervals as an Authorised Officer considers necessary.

Penalty: 20 penalty units

47 Animal Excrement

- (1) A person in charge of an animal must not allow any part of the animal's excrement to remain on any road, public place or Council land.

Penalty: 20 penalty units

- (2) A person in charge of an animal that excretes on a road, public place or Council land must immediately collect and dispose of the excrement so as not to cause a nuisance to any other person.

Penalty: 20 penalty units

- (3) Any person in charge of an animal on any road, Council land or public place must carry a litter device and be able to produce this litter device on request by an Authorised Officer.

Penalty: 20 penalty units

48 Animal Noise

- (1) An owner or occupier of premises must take all steps necessary to prevent any:
 - (a) animal making a noise; or
 - (b) noise caused by an animal being emitted from the premises so as to be:
 - (i) unreasonable; or
 - (ii) objectionable or adversely affecting the amenity of a person on other premises.

Penalty: 20 penalty units

- (2) For the purposes of subclause (1), in assessing whether noise is unreasonable, objectionable or adversely affecting amenity, regard must be had to:
 - (a) its volume, intensity and duration; and
 - (b) the time, place and other circumstances in which it is emitted.

PART 16

WASTE DISPOSAL

49 Waste collection services provided by Council

- (1) The occupier of land to which the Council provides a waste collection services⁹ must:
- (a) use only the bins provided or approved by Council for the waste collection service;
 - (b) deposit only household waste into the bin provided by Council for household waste, green waste into the bin provided for green waste and recyclable materials into the recyclable materials bin;
 - (c) not contaminate a bin by placing contaminated materials in it or waste that is not the type of waste the bin has been provided for;
 - (d) ensure that waste placed in a bin:
 - (i) is wrapped in any manner necessary to render it inoffensive, prevent the protrusion of sharp objects and prevent waste being caught by wind while the bin is being emptied; and
 - (ii) is contained in any other manner approved by the Council or an Authorised Officer;
 - (e) place a bin out for collection which is positioned on the nature strip or footpath adjacent to the kerb or in any other manner directed by the Council or an Authorised Officer from time to time; and
 - (f) upon being directed to do so by the Council or an Authorised Officer, remove or cause to be removed from the bin any material deposited in contravention of this provision.

Penalty: 20 penalty units

- (2) The occupier of land must not:
- (a) place more than 1 household waste bin, 1 green waste bin or 1 recyclable goods bin out for collection without the consent of the Council;
 - (b) place a bin out for collection more than 24 hours before collection day and must return the bin to the land to which it was provided within 24 hours following collection;
 - (c) place a bin out for collection that has a gross weight of more than 70 kilograms or more than the maximum gross weight determined by the Council from time to time;
 - (d) place any waste in a bin that would prevent the lid of it being closed;

⁹ The waste collection services provided by Council may vary from time to time having regard to Council's Waste Minimisation Strategy and Waste Policy. Council currently provides dedicated bins for recyclable materials, general household waste and green waste. The bins clearly identify the type of waste that is to be deposited in them.

- (e) place any items in a bin which are likely to damage it or the collection vehicle; and
- (f) use a bin provided by Council for any purpose other than depositing waste.

Penalty: 20 penalty units

- (3) The occupier of land must:
 - (a) keep a bin provided by Council:
 - (i) in good order;
 - (ii) in a clean inoffensive and sanitary condition; and
 - (iii) to the satisfaction of the Council;
 - (b) clearly mark the bin with the address of the land to which it has been allocated and ensure that the address continues to be legible;
 - (c) keep the bin lid closed at all times except when waste is being deposited in or removed from the bin in accordance with this Local Law; and
 - (d) maintain the site on which a bin is located in a clean, inoffensive and sanitary condition and must keep the pavement or ground outside the land on which the bin is placed for collection in a clean, inoffensive and sanitary condition.

Penalty: 20 penalty units

- (4) The occupier of land must:
 - (a) immediately notify Council in writing if the bin allocated to the land:
 - (i) develops a defect;
 - (ii) is lost;
 - (iii) is stolen;
 - (iv) is destroyed; or
 - (v) is damaged.
 - (b) The Council may require the occupier of land to pay for the cost of repairing or replacing a bin provided by Council.

Penalty: 20 penalty units

50 Hard Waste Collection

- (1) Where the Council provides a hard waste collection service the hard waste to be collected must be left for collection in accordance with Council's Waste Policy or with the conditions of collection notified to the user of the service.

Penalty: 20 penalty units

- (2) A person must not, without the consent of the Council or an Authorised Officer, add to, remove or generally interfere with any recyclable goods or hard waste left for collection.

Penalty: 20 penalty units

- (3) A person must not place, leave or allow to remain any disused refrigerator, or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first:
- (a) removing every door and lid; and
 - (b) removing every lock, catch and hinge attached to a door or lid or making sure that every door and lid is incapable of being fastened; and
 - (c) placing the item on its back.

Penalty: 10 penalty units

51 Bulk rubbish containers¹⁰

- (1) A person must not place a bulk rubbish container on a road for longer than is practicably required to empty it.

Penalty: 20 penalty units

- (2) A person must not cause an –
- (a) obstruction; or
 - (b) danger –

to any person on a road when placing a bulk rubbish container on a road to be emptied.

Penalty: 20 penalty units

- (3) A person who has placed a bulk rubbish container on a road must repair any damage to any –
- (a) vehicle crossing;
 - (b) road;
 - (c) footpath;
 - (d) kerb; or
 - (e) drain –

that results from placing the bulk rubbish container on the road or emptying it.

Penalty: 20 penalty units

52 General restrictions

- (1) A person must not deposit any household, commercial or industrial waste into a bin provided by Council in a public place.

Penalty: 5 penalty units

¹⁰ Under clause 37, a permit is required to place a bulk rubbish container on a road or Council land.

- (2) A person must not deposit any waste in a bin allocated to any other person or property.

Penalty: 5 penalty units

PART 17

MANAGEMENT OF DRAINS

53 Maintenance of Drains

- (1) The owner or occupier of any land must ensure that any drain on the land that is not vested in the Council or another public body is maintained in a condition that is not:
 - (a) dangerous to health;
 - (b) unsightly; or
 - (c) a nuisance.

Penalty: 20 penalty units

- (2) Except for stormwater, a person must not discharge or cause to be discharged any material into a drain or watercourse, which is vested in or under the control of the Council.

Penalty: 20 penalty units

54 Tapping into Drains

A person must not without a permit –

- (a) destroy;
- (b) damage; or
- (c) tap into –

any drain vested in or under the control of the Council and must only discharge into the legal point of discharge associated with the drain.

Penalty: 20 penalty units

PART 18

OPEN AIR BURNING AND INCINERATORS

55 Application

This Part does not apply to:

- (a) a barbecue being used for the purpose of cooking food; or
- (b) a tool of trade while being used for the purpose for which it was designed.

56 Fires

(1) A person must not without a permit –

- (a) light;
- (b) allow to be lit; or
- (c) allow to remain alight –

a fire in the open air¹¹.

Penalty: 20 penalty units

(2) A person must not:

- (a) use, construct, erect or install; or
- (b) permit to be used, constructed, erected or installed –

an incinerator on any land.

Penalty: 20 penalty units

57 Materials or substances that cannot be burnt

Unless permitted under other legislation, a person must not burn any of the following substances or materials in the open air:

- (a) oil, paint, solvents and similar substances;
- (b) radioactive waste;
- (c) material containing asbestos;
- (d) any medical or infectious waste;
- (e) a carcass or parts of a dead animal;
- (f) any hazardous or chemical waste; or
- (g) any volatile or explosive substance;

¹¹Fires in the open air includes fire prevention burns or controlled burns other than those done by an emergency service.

Penalty: 20 penalty units

58 Extinguishing Fires

A person who has lit or allowed a fire to remain alight contrary to clause 56(1) or any condition contained in a permit, must extinguish the fire immediately on being directed to do so by:

- (a) an Authorised Officer;
- (b) a member of the Victoria Police; or
- (c) a member of the Metropolitan Fire Brigade.

Penalty: 20 penalty units

59 Chimneys

The owner or occupier of land must not cause or allow any chimney, chimenea or other similar structure on that land to discharge smoke, dust, grit, ashes or embers to such an extent that it is offensive to another person or dangerous to property.

Penalty: 10 Penalty Units

PART 19

Noise

60 Audible Intruder Alarms

A person must not install or permit or allow to be installed or cause to be retained in an active state, an intruder alarm, which emits a noise audible beyond the boundary of the land on which it is installed unless the alarm is constructed or regulated to ensure that it complies with the relevant Australian Standard.

Penalty: 10 penalty units

61 Noise from waste collection

Unless permitted by Council or where there is an agreement with Council, a person must not collect any waste within the municipal district outside of the following hours:

- (a) 6am to 8pm on Mondays to Saturdays;
- (b) 9am to 6pm on Sundays and public holidays.

Penalty: 20 penalty units

62 Noise from vehicle sound equipment

- (1) The owner and the person in control of a vehicle which is parked, standing upon, or being driven along, a road or Council land, is guilty of an offence if the volume of any vehicle sound equipment installed in or kept in the vehicle attains a level which causes unreasonable noise or which interferes with the reasonable comfort of persons within the proximity of the vehicle.

Penalty: 20 penalty units

- (2) Without limiting the generality of sub-clause (1), vehicle sound equipment will be deemed to cause unreasonable noise or interference with the reasonable comfort of a person if it can be heard above the background noise level at a distance of 10 metres from the vehicle.

63 Noise from deliveries and other uses and activities

- (1) A person must not cause or allow excessive noise to emanate from a use or activity being undertaken by him or her on any land.

Penalty: 20 Penalty Units

- (2) A person must not make deliveries to residential premises outside of the following hours:
 - (a) 7am – 8pm – Monday to Friday;
 - (b) 9am – 6pm – weekends and public holidays.

- (3) A person undertaking any of the uses or activities in paragraphs (a) – (d) must ensure that they are undertaken within the times and in the manner prescribed in the Noise Control Guidelines¹² for that use or activity:
- (a) industrial waste collection;
 - (b) mobile vendors;
 - (c) truck-mounted refrigeration units; or
 - (d) deliveries to shops, supermarkets and service stations.

Penalty: 20 Penalty Units

- (4) In determining whether there has been excessive noise under this provision, an Authorised Officer will have regard to:
- (a) whether the noise can be heard beyond the boundaries of the property that the noise is originating from;
 - (b) the time that the noise is occurring;
 - (c) the volume, intensity and duration of the noise;
 - (d) any applicable guidelines in the Noise Control Guidelines or the State Environment Protection Policies of the Environment Protection Authority; and
 - (e) any other matters considered by the Authorised Officer to be relevant to the circumstances including whether there is any other legislation applying to nuisance noise¹³.

¹² Noise Control Guidelines – Environment Protection Authority - Publication 1254 – 2008 or subsequent publications.

¹³ Section 48A – Environment Protection Act 1970 and the Environment Protection (Residential Noise) Regulations 2008

PART 20

ADMINISTRATION AND ENFORCEMENT

64 Permits

- (1) The Council or an Authorised Officer may issue a permit or refuse to grant a permit under this Local Law with or without conditions, including the payment of any fee.
- (2) The Council or an Authorised Officer may from time to time prescribe:
 - (a) the manner and form in which applications for permits under this Local Law should be made;
 - (b) the manner in which any permit under this Local Law should be issued; and
 - (c) the fee for any such permit.
- (3) The Council or an Authorised Officer may waive payment of any fee for a permit.
- (4) The Council or an Authorised Officer may require an applicant for a permit to give notice of the application in a manner specified from time to time by the Council or an Authorised Officer.
- (5) The Council or an Authorised Officer may require an applicant for a permit to provide the Council with more information before the Council or Authorised Officer deals with the permit application.
- (6) A permit expires on the date specified in the permit or if no such date is specified the permit will expire 1 year after the date of issue.
- (7) Where the Council or an Authorised Officer is of the opinion that there is or has been a breach of any condition of a permit, it, he or she may serve a Notice to Comply under clause 71 on the permit holder.

65 Exemptions to the Local Law

- (1) The Council or an Authorised Officer may grant an exemption from a requirement to have a permit or from any of the provisions of this Local Law.
- (2) In determining whether to grant an exemption to the requirement to obtain a permit or a provision of this Local Law, an Authorised Officer will have regard to:
 - (a) the circumstances of the application;
 - (b) whether the application is to raise funds for community or charitable purposes;
 - (c) whether the proposed activity or use will have an overall community benefit;
 - (d) whether the proposed activity or use could have a detrimental effect on adjoining properties;
 - (e) whether the applicant will be given an unfair advantage over any other person or organisation; and

- (f) any other matters relevant to the circumstances of the application.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.

Penalty: 5 Penalty Units

- (5) An exemption may be cancelled or corrected as if it were a permit.

66 Considering Applications

In considering an application for a permit the Council or an Authorised Officer may consider:

- (1) any policy or guideline adopted by the Council or document incorporated by reference in this Local Law relating to the subject matter of the application for the permit;
- (2) any submission that may be received in respect of the application;
- (3) any comments that may be made in respect of the application by any public authority, Government department, community organisations or other body or person; and
- (4) any other relevant matter.

67 Correction of Permit

- (1) The Council or an Authorised Officer may correct a permit issued if the permit contains:
 - (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit.
- (2) The Council or the Authorised Officer must note the correction in the register of permits.

68 Grounds for Cancellation of or Amendment of Permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if it considered that there has been:
 - (a) a material misstatement or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the issue of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions under which the permit was issued; or
 - (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply.

- (2) The Council or the Authorised Officer must notify the holder of a permit of the Council's or Authorised Officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled.
- (3) If the Council or the Authorised Officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or Authorised Officer must note that cancellation or amendment in the register of permits.

69 Powers of Authorised Officers

- (1) An Authorised Officer appointed under section 224 of *the Act* and authorised by the Council may carry out any function or power for the purposes of the administration and enforcement of this Local Law.
- (2) If an Authorised Officer considers that there has been a breach of this Local Law, including a breach of any conditions of a permit, the Authorised Officer may:
 - (a) warn the person who is breaching the Local Law, which may be an official warning issued in accordance with the requirements of the *Infringements Act 2006*;
 - (b) direct the person to cease the activity breaching the Local Law;
 - (c) serve a notice to comply to remedy the breach;
 - (d) arrange for works to be undertaken to remedy the breach;
 - (e) issue an infringement notice; or
 - (f) commence legal proceedings.

70 Impounding¹⁴

- (1) Where a person owning or responsible for items, goods, animals¹⁵ or equipment has ignored a request from an Authorised Officer to remove them because they are in breach of the Local Law or a permit or for public safety reasons, the Authorised Officer may remove the items, goods, animals or equipment and impound them.
- (2) As soon as practicable after goods or item has been impounded under subclause (1), the Council or an Authorised Officer must serve notice of the impounding in the form of Schedule 2 personally or by registered mail on the person who appears to be the owner or person responsible for the impounded item if it is practicable to do so.
- (3) Where the identity or whereabouts of the owner or person responsible for the impounded item is not known, the Authorised Officer must take reasonable steps to establish the identity or whereabouts of that person and may proceed to dispose of the impounded item once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.

¹⁴ Where any unregistered or vehicle considered abandoned is impounded, the specific requirements in clause 3 of Schedule 11 of the Local Government Act 1989 must be followed.

¹⁵ Where an animal is impounded the requirements of the Impounding of Livestock Act 1994 apply, including the form of notice to be given.

- (4) An impounded item must be surrendered to –
 - (a) its owner; or
 - (b) a person acting on behalf of its owner who provides evidence to the satisfaction of the Authorised Officer of his or her authority from the owner subject to:
 - (i) evidence to the satisfaction of the Authorised Officer that any breach of this Local Law or a permit has been remedied and the requirements of the Local Law or conditions of a permit will be complied with;
 - (ii) evidence being provided of the owner’s right to the item; and
 - (ii) payment of any fee determined by the Council from time to time.
- (5) If an impounded item has not been retrieved within 10 days of the time specified in a notice, an Authorised Officer may take action to dispose of the item taking into consideration the following factors:
 - (a) where the item has no saleable value, it may be disposed of in the most economical and efficient way;
 - (b) where the item has some saleable value, it may be disposed of by tender, public auction or private sale; or
 - (c) where the owner has advised the Council in writing that he or she does not intend to retrieve them, then the Council may dispose of the item by either method identified in paragraphs (a) or (b).

71 Notice to Comply

- (1) Where an Authorised Officer considers that there is a breach of this Local Law, including a failure to comply with any conditions of a permit issued under the Local Law or a requirement by an Authorised Officer to abate a nuisance, he or she may serve a Notice to Comply in the form of Schedule 1 on any owner, occupier or other relevant person¹⁶ to remedy the breach.
- (2) A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- (3) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.

¹⁶ “Other relevant person” may include an owner’s corporation where, for example, there is a breach of this Local Law in relation to waste disposal.

- (4) An owner, occupier, builder or appointed agent served with a Notice to Comply who fails to remedy a situation in accordance with a Notice to Comply within the time specified in the Notice is guilty of an offence under this Local Law.
- (5) If an owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in the Notice, Council or an Authorised Officer may carry out the work itself or approve another person to carry out the work and recover the cost of performing the work from the owner or appointed agent in accordance with *the Act*.
- (6) An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.
- (7) Any person who fails to remedy a thing in accordance with a Notice to Comply within the time specified is guilty of an offence under this Local Law.

Penalty: 10 Penalty Units

72 Power to Act in Urgent Circumstances

- (1) Council or an Authorised Officer may, where an owner, occupier, builder or other relevant person has failed to comply with any requirement of this Local Law, take action considered necessary to prevent any danger to the environment or any nuisance arising, provided that:
 - (a) Council or an Authorised Officer considers the circumstances to be sufficiently urgent and that the time necessary, or potential difficulty in serving a Notice to Comply may place a person, animal, property or the environment at risk or in danger of substantial detrimental effect;
 - (b) the Chief Executive Officer or his/her delegate not being the Council officer administering this clause, is informed as soon as practicable of the proposed action; and
 - (c) details of the circumstances and of the remedial action taken are forwarded as soon as practicable to the owner, occupier, builder or other relevant person
- (2) Action taken by Council under this Clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger involved.

73 Infringement Notices

- (1) As an alternative to prosecution an Authorised Officer may serve an infringement notice on a person whom the officer believes has committed an offence against this Local Law.
- (2) The penalty fixed for infringement notice purposes is the amount set out in Schedule 3.
- (3) The provisions of the *Infringements Act 2006* will apply to infringements issued under this Local Law.

74 Offences and Penalties

- (1) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.
- (2) Where any provision in this Local Law requires that something must not be done, any person who does that act is guilty of an offence.

- (3) Where any provision in this Local Law requires that a person obtain a permit from Council for the purpose of undertaking a use or activity, that person is guilty of an offence if that person engages in that activity without first obtaining a Permit from Council.
- (4) Where any Permit granted under this Local Law contains conditions or contains a requirement that provisions of a document incorporated by reference be complied with, any person who contravenes or fails to comply with a condition of a permit or requirements of an applicable document incorporated by reference is guilty of an offence.
- (5) After conviction for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to a penalty of 2 penalty units for each day after conviction during which the contravention continues.
- (6) A person who is guilty of any offence against this Local Law for which a specific penalty is not prescribed by another provision under this Local Law, is liable to a penalty for that offence not exceeding 10 penalty units for a first offence.
- (7) A person who is guilty of a second or subsequent offence against this Local Law is liable to a penalty not exceeding 20 penalty units.

MARIBYRNONG CITY COUNCIL
GENERAL PURPOSES LOCAL LAW 2015

SCHEDULE 1

(Clause 71)

NOTICE TO COMPLY

To:	Name:
Address:	

You have, in the opinion of Maribyrnong City Council (“the Council”) or an Authorised Officer of the Council, committed a breach of clause of the Council’s Local Law 2015 by

To remedy the breach you must do the following, within days from the date of this Notice:

You should contact

at the Municipal Office, between the hours of for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty of \$..... and the Council will carry out any required work, for the cost of which, in addition to the above penalty, you will liable.

Date:

Name of Authorised Officer:

Telephone no:

Signature of Authorised Officer:

Note: If this Notice relates to a contravention of a permit and you do not comply with the Notice, the permit may be cancelled. If you do not wish to have the permit cancelled you should comply with the directions in this Notice or show cause to the Council in writing why the permit should not be cancelled.

**MARIBYRNONG CITY COUNCIL
GENERAL PURPOSES LOCAL LAW 2015**

SCHEDULE 2

(Clause 70)

NOTICE OF IMPOUNDING

To:

of:

..... **Postcode**

The following item/s has/have been impounded in accordance with clause 70 of the General Local Law 2015

.....
.....
.....

You or an agent authorised in writing to act on your behalf may collect the items by attending at the Municipal Offices between the hours of and to see(Contact Officer) and by paying the following:

DETAILS OF FEES AND CHARGES:

\$

\$

\$

Total \$

If you fail to collect the item (s) and pay the required fees and charges by (date), the Authorised Officer will proceed to dispose of the item(s) in accordance with the provisions of clause 70 of this Local Law.

Date:

Name of Authorised Officer:

Telephone No:

Signature of Authorised Officer:

MARIBYRNONG CITY COUNCIL
GENERAL PURPOSES LOCAL LAW 2015

SCHEDULE 3

(Clause 73)

PENALTIES FOR INFRINGEMENT NOTICES

Clause	Topic	Penalty Unit for Infringement Notice
Part 2 Council Land		
8(1)	Failing to comply with requirements applying to the use of Council land	3
8(2)	Acting in a way that could risk or endanger others as described in the clause	10
8(3)	Undertaking a prohibited activity	3
9	Failing to obtain a permit for uses on Council land or a road	10
10	Failing to obtain a permit to camp on a road or Council land	10
11	Failing to obtain a permit to busk on a road or Council land	3
Part 3 Consumption of alcohol in Alcohol Restriction Areas		
13	Consuming alcohol contrary to restrictions in Alcohol Restriction Area	5
15(a)	Failing to comply with the directions of an Authorised Officer	5
Part 4 Use of Land		
16(1)	Allowing land to be kept in a way that is unsightly, dangerous, a nuisance or detrimental to the general amenity of the neighbourhood	5
16(2)	Allowing buildings or fences to be kept in a way that is unsightly, ruinous or detrimental to the general amenity of the neighbourhood	5
17(1)	Failing to obtain a permit to hold a circus or carnival without a permit	10
17(3)	Failing to have a licence to hold a circus on Council land	10
Part 5 Clothing Recycling Bins		
18	Placing a clothing recycling bin on Council land	10
Part 6 Camping and Caravans		
19	Failing to obtain a permit to occupy or place a caravan, tent or like structure on land of owner /occupier	5
20	Failing to obtain a permit to camp	5

Part 7 Numbering Properties		
21	Using incorrect Number on premises	3
22	Failing to mark the premises with the allocated number	3
23	Failing to mark properties in accordance with the requirements	3
Part 8 Signs, Goods and Furniture		
24(1)	Failing to obtain a permit a display, sign or furniture on a road, footway or Council Land	5
24(2)	Failing to comply with Council's Guidelines	5
24(3)	Failing to obtain a permit to place advertising signs remove a display, sign or furniture when directed to do so	5
24(4)	Failing to remove a display, sign or furniture when directed to do so	5
Part 9 Sale of Goods, Street Collections and Spruiking		
25(1)	Failing to obtain a permit to sell goods on Council land or roads or from a person, vehicle or animal	5
25 (2)	Failing to obtain a permit to sell goods on Council land or roads or from a person, vehicle or animal	5
26	Failing to obtain a permit do street collections	5
27	Failing to obtain a permit to spruik	5
Part 10 Building Sites		
28(1)	Failing to notify of intention to commence building work or obtain an Asset Protection Permit	10
29	Failing to comply with the requirements of an Asset Protection Permit	10
30(1)	Failing to comply with the conditions of the provision	10
30 (2)	Failing to comply with the conditions of the provision	10
30(3)	Carrying out building works contrary to the requirements	10
31(1)(a)	Failing to remove builders rubbish in accordance with requirements	10
31(1)(b)	Failing to use a temporary vehicle crossing unless permitted	10
Part 11 Hazards on Roads		
33	Failing to obtain a permit to occupy the road for works	10
34(1)	Driving a vehicle not free from soil, earth, clay	10
34(2)	Permitting substances to fall from vehicle used in the course of trade, industry or commercial undertaking	10
34(3)	Permitting substances to fall from vehicle used in the course of washing a vehicle used in trade, industry or commercial undertaking	10
35(1)	Leaving a shopping trolley outside a designated area	3
35(2)	Failing to implement trolley management	10

35(4)	Failing to comply with requirements of provision	5
36	Permitting obstructions to overhang Council land	5
37	Failing to obtain a permit to leave bulk rubbish containers or other obstructions on a road	5
	Part 12 Vehicle Crossings	
38(1)	Failing to obtain a permit to construct a temporary or permanent vehicle crossing	5
38(3)	Failing to comply with directions in a notice	5
	Part 13 Motor Vehicles	1
39(2)	Driving a heavy vehicle in contravention of signs	5
39(3)	Failing to obtain a permit to keep a heavy vehicle on a residential property	5
40	Repairing, selling or displaying vehicles on road or Council land without a permit	5
	Part 14 Recreational and Toy Vehicles	
41(1)	Using a recreational vehicle on any land without a permit	2
41(2)	Using a recreational vehicle in a manner which causes a nuisance, damage or injury	5
41(3)	An owner/ occupier allowing a recreational vehicle to be used on private land without a permit	2
42	Using a toy vehicle in a manner so as to interfere with or cause a nuisance or danger to a person	2
	Part 15 Animals and Birds	
44(1)	Failing to obtain a permit to keep more animals than prescribed	2
44(3)	Keeping a rooster contrary to provision	10
45	Allowing a wasp nest or bee swarm to remain on property	2.5
46(1)	Failing to comply with requirements on land in relation to structures used for housing animals	10
46(2)	Failing to comply with requirements about keeping animals or poultry	10
47(1)	Allowing animal excrement to remain on Council land	2.5
47(2)	Failing to collect and dispose of the excrement so as not to cause a nuisance	
47(3)	Fail to carry a litter device as required	
48	Failing to prevent unreasonable/objectionable animal noise	10
	Part 16 Waste Disposal	
49(1)	Failing to comply with the conditions of Council's waste collection service	10
49(2)	Failing to comply with the conditions of Council's waste collection service	10
49(3)	Failing to comply with the conditions of Council's waste collection service	10

49(4)	Failing to notify Council of lost, damaged or stolen garbage bin	2.5
50(1)	Failing to leave hard waste for collection in accordance with conditions of the service	3
50(2)	Removing or interfering with hard rubbish left for collection without consent	3
50(3)	Failing to comply with requirements applying to a disused refrigerator	10
51(1)	Leaving a bulk rubbish container for longer than necessary	5
51(2)	Causing an obstruction or danger to people by leaving bulk rubbish on a road	5
51(3)	Failing to repair any damage caused by bulk rubbish container left on a road	5
52(1)	Depositing household, commercial or industrial waste in a bin in a public place	5
52(2)	Depositing waste in a bin allocated to another property or person	5
Part 17 Management of Drains		
53(1)	Failing to properly maintain a drain	5
53(2)	Discharging material (other than Stormwater) into a Council drain	5
54	Failing to obtain a permit to tap into a Council drain	10
Part 18 Open Air Burning and Incinerators		
56(1)	Failing to obtain a permit to light a fire in the open air	5
56(2)	Using or constructing an incinerator	5
57	Burning materials or substances contrary to requirements	5
58	Failing to extinguish a fire upon request	5
59	Allowing a chimney to be offensive to a person or dangerous to health or property	5
Part 19 Noise		
60	Permitting noise from an audible Intruder alarm to be heard beyond property boundary	10
61	Collecting waste outside of prescribed times	5
62(1)	Making unreasonable noise from vehicle sound equipment	5
63(1)	Causing or allowing excessive noise to emanate on any land.	5
63 (2)	Making deliveries to residential premises outside Hours	5
63(3)	Allowing noise from uses or activities contrary to Guidelines	5
65(4)	Failing to comply with conditions of exemption	3
Part 20 Administration and Enforcement		
1(7)	Failing to comply with a Notice to Comply	10

