



# COMMUNITY LOCAL LAW 2024

This Local Law was made by resolution of Council on 7 August 2024 and commenced on 1 December 2024.

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**INCORPORATED BY REFERENCE**

- Roadside and Footpath Trading Policy

**PART 1**  
**PRELIMINARY**

**1. Title**

This Local Law is called the “Community Local Law 2024”.

**2. Objectives**

The objectives of this Local Law are to provide for:

- (a) the peace, order and good government of the *municipal district*;
- (b) a safe and healthy environment so that the community within the *municipal district* can enjoy a quality of life that meets its general expectations;
- (c) fair access and use of *Council* and community assets and prescribe measures to protect those assets;
- (d) the prevention and suppression of 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*;
- (e) the prohibition, regulation, and control of activities which may be dangerous or unsafe or detrimental to a person's health, the amenity of the *municipal district*, or the environment; and
- (f) prescribed requirements for the administration and enforcement of the Local Law.

**3. Authorising Provision**

This Local Law is made under section 71 of the *Local Government Act 2020*.

**4. Commencement Date**

This Local Law comes into operation on 1 December 2024.

**5. Cessation Date**

This Local Law ceases to operate on 1 December 2034, unless revoked sooner by *Council*.

## 6. Revocation

From the commencement of this Local Law, the Community Local Law 2016 previously made by *Council* is revoked.

## 7. Application of the Local Law

- (1) This Local Law applies and has operation throughout the whole of the *municipal district*.
- (2) Nothing in this Local Law prevents any member, officer or employee of:
  - (a) an *emergency service*; or
  - (b) a Commonwealth or State government; or
  - (c) any military or civil-defence force; or
  - (d) the *Council* or a contractor or agent directly engaged by the *Council* to undertake works or to provide a servicefrom performing any of the duties they are lawfully entitled or required to perform while engaging in those duties, and any *person* acting accordingly is not guilty of any offence under this Local Law.
- (3) Nothing in this Local Law applies or is intended to apply in respect of any of the matters set out in Clause 1(3) of Part 1 of Schedule 1 to the *Building Act 1993*.

## 8. Definitions

Unless the contrary intention appears in this Local Law, the words identified in italics throughout this Local Law are intended to have the following meaning:

<b>Words</b>	<b>Meaning</b>
Act	Means the <i>Local Government Act 2020</i> .
Acceptable no smoking sign	Has the same meaning as in the <i>Tobacco Act 1987</i> .
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, being of a fixed or transient nature including being affixed to a vehicle, trailer, bicycle, tricycle, trolley, or other object, which:

- (a) provides information about a business, industry, organisation, event or competition;
- (b) is used for the purposes of notifying a sale, soliciting sales, or notifying people of the presence of another property where goods or services may be obtained; or
- (c) promotes a candidate or political party associated with a local, state or federal election.

Animal	Carries the ordinary meaning of animal and includes a bird, a dog, a cat, a pig, cattle, a horse, sheep, a goat, poultry, fish, rabbit, ferret, a reptile and an insect.
Applicable organisation	Has the same meaning as in the <i>Domestic Animals Act 1994</i> .
Approved waste bin	Means a garbage bin, recycling bin, green waste bin or other designated bin approved and provided by Council.
Assistance animal	Has the same meaning as in the <i>Disability Discrimination Act 1992 (Cth)</i> .
Assistance dog	Has the same meaning as in the <i>Equal Opportunity Act 2010</i> .
Authorised Officer	Means any person appointed by Council to be an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> .
Builder	Means 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 works being carried out, and the person actually conducting the work and includes



	the owner of the land on which the work is being carried out.
Building	Includes any structure or building, whether temporary or permanent, or any part of such building or structure.
Building site	Means any land on which building works are being, or are proposed to be, carried out.
Building works	Includes any work for or in connection with: <ul style="list-style-type: none"><li>(a) the construction, demolition, renovation, alteration or removal of any building or structure or earthworks such as excavation, digging or boring; and</li><li>(b) delivery and removal of goods or materials used or proposed to be used for or otherwise arising from or associated with building works.</li></ul>
Bulk rubbish container	Means a bin, skip or other container used for the deposit of waste but excludes an approved waste bin.
Busk	Means the sounding or playing of a musical instrument, singing, giving a recitation, or performing any conjuring, juggling, puppetry, mime, dance, footpath art or other entertainment or doing any of those things concurrently, with or without collecting money.
Camp	Has the ordinary meaning of camp and includes the use of a tent or similar structure, a caravan, camper van, mobile home, or any other moveable vehicle to provide accommodation.
Chief Executive Officer	Means the Chief Executive Officer of the Council or any person acting in that position and includes a

	person authorised by the Chief Executive Officer to act on their behalf in relation to this Local Law.
Charity bin	Means a bin or similar structure used for the collection of donated goods, including but not limited to used clothing.
Commercial zone	Means one of the commercial zones in the Baw Baw Planning Scheme.
Corporation	Has the same meaning as in the <i>Corporations Act 2001</i> .
Council	Means the Baw Baw Shire Council.
Council land	Means any land, buildings, assets, and facilities which are owned, occupied, or vested in the Council or in respect of which the Council has the care and management.
Dwelling	Means any building or portion of a building which is used, intended, adapted, or designed for use as a residence.
Droving	Means the movement of livestock along a road or through a public place.
Electric fence	Has the same meaning as in the <i>Australian/New Zealand Standard 3016.2002</i> .
Electric scooter	Has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
Emergency service	Means Victoria Police, Fire Rescue Victoria, the Country Fire Authority, Forest Fire Management Victoria, Ambulance Victoria, the State Emergency Service, any organisation whose primary function is the provision of first aid response and any successor to any of the aforementioned organisations.

Event	Means an organised recreational, cultural, commercial, or social event or a gathering of people, and includes a procession, festival, and street party.
E-waste	Means any waste item that uses a plug, battery or power cord, and includes but is not limited to computers, mobile phones, microwaves, power tools, televisions and light bulbs.
Fodder	Means 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 <i>Road Safety Road Rules 2017</i> .
Grazing	Means allowing livestock to enter and remain on a road or public place for the purpose of grazing.
Hard waste	Means large and bulky items that cannot be accommodated in an approved waste bin and includes, but is not limited to, household furniture, e-waste, washing machines, dishwashers, fridges, mattresses, timber, carpets and scrap metal.
Hoon event	Means one or more motor vehicles being driven in a manner that intentionally or recklessly leads to the motor vehicle/s:  (a) losing traction;  (b) racing;  (c) time trialling; or  (d) emitting undue noise or smoke.
Incinerator	Has the same meaning as in the <i>Country Fire Authority Act 1958</i> .

Industrial zone	Means one of the industrial zones in the Baw Baw Planning Scheme.
Infringement Notice	Has the same meaning as in the <i>Infringements Act 2006</i> .
In the open air	Has the same meaning as under section 34A of the <i>Country Fire Authority Act 1958</i> .
Land	Includes any Council land or private land in separate or joint ownership or occupation.
Liquor	Has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Litter	Has the same meaning as in the <i>Environment Protection Act 2017</i> .
Livestock	Has the same meaning as in the <i>Impounding of Livestock Act 1994</i> .
Miniaturised motor cycle	Has the same meaning as in the <i>Road Safety Act 1986</i> .
Motor vehicle	Has the same meaning as in the <i>Road Safety Act 1986</i> .
Municipal district	Means the municipal district of the Council.
Municipal place	Means any building which is on Council land and includes a public library and any recreation centre which is owned, occupied or under the management or control of Council.
Noxious weeds	Has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
Occupier	Means the person in charge or having the management or control of the land and includes the owner of the land, a lessee and a licensee of the land.

Operator	Means the person who was driving or in charge of the vehicle at the time when it was involved in the commission of a relevant offence.
Parking permit	Means a tradesperson parking permit, resident parking permit and visitors parking permit issued by Council in accordance with a parking scheme established pursuant to Schedule 11 to the <i>Local Government Act 1989</i> .
Penalty unit	Has the same meaning as in the <i>Sentencing Act 1991</i> .
Permit	Means a permit in writing issued for the purpose of the particular provision in which the term is used.
Person	Includes a natural person, a corporation, an association incorporated under the <i>Associations Incorporation Reform Act 2012</i> , a partnership, an unincorporated association and a public statutory corporation constituted by or under any law of the State of Victoria, any other State or Territory of the Commonwealth or the Commonwealth.
Planning Scheme	Means the Baw Baw 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.
Power-assisted pedal cycle	Has the same meaning as in the Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> .
Poultry	Includes ducks, chickens, geese, peacocks, pheasants, turkeys, and guinea fowl.
Premises	Includes a building, land, flat, unit, house and dwelling but does not include any building, land,

	flat, unit, home or dwelling owned or under the control of Council.
Primary producer	Includes a person who runs a business of animal or plant cultivation or tree farming or felling and excludes a person who undertakes those activities as a pastime or leisure activity.
Public place	Has the same meaning as in the <i>Summary Offences Act 1966</i> .
Recreational vehicle	Means any miniaturised motor cycle, trail bike, motor cycle, motor scooter, go-cart, four-wheel drive vehicle or other vehicle propelled by a motor, which can be used for recreational purposes, but does not include: <ul style="list-style-type: none"><li>(a) a motorised wheelchair;</li><li>(b) a power-assisted pedal cycle that meets the legislative requirements;</li><li>(c) an electric scooter that meets the legislative requirements;</li><li>(d) a caravan, mobile home or camper van; or</li><li>(e) a vehicle whilst engaged in legitimate farming activities.</li></ul>
Reserve	Means Council land which is dedicated or used for outdoor cultural, environmental, sporting, or recreational purposes and includes sporting reserves, bushland reserves, wetlands, parks and gardens and other like spaces.
Residential zone	Means one of the residential zones in the Baw Baw Planning Scheme.
Retailer	Means a person who sells goods by retail and who provides trolleys to customers.

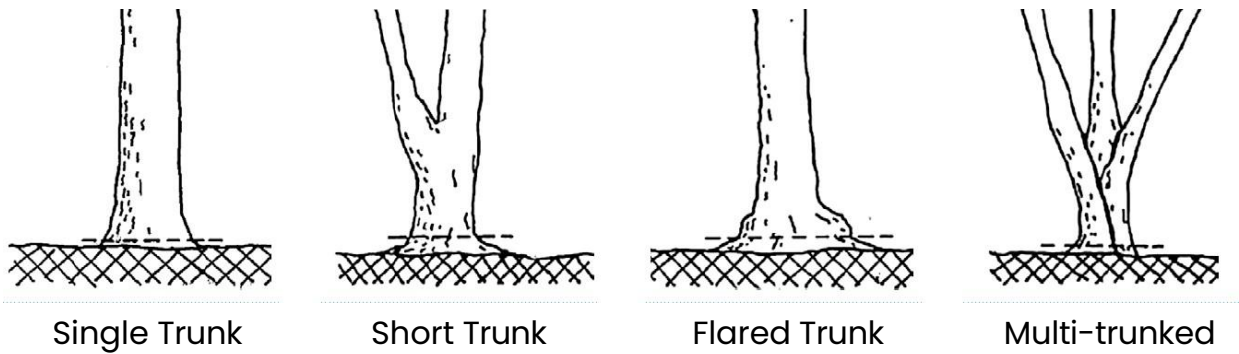
Road	Has the same meaning as in the <i>Local Government Act 1989</i> .
Roadside and Footpath Trading Policy	Means the Roadside and Footpath Trading Policy adopted by Council on 24 November 2021 as may be amended from time to time by Council resolution and which is incorporated in this Local Law.
Rural living zone	Means the rural living zone in the Baw Baw Planning Scheme.
Sell or sold	Has the ordinary meaning of sell or sold and includes - <ul style="list-style-type: none"><li>(a) sell by means of any machine, electronic device, or mechanical device;</li><li>(b) hire;</li><li>(c) barter or exchange for sale or hire;</li><li>(d) offer or expose or display for sale or hire;</li><li>(e) advertise for sale or hire;</li><li>(f) keep or have in possession for sale or hire; or</li><li>(g) agreeing to, directing, causing, or attempting to sell or hire.</li></ul>
Significant tree	Means any tree or group of trees listed in the Significant Tree Register (published on Council's website).
Smoke	Has the same meaning as in the <i>Tobacco Act 1987</i> .
Smoke free area	Means any area prescribed by Council to be a smoke free area for the purposes of this Local Law.
Street furniture	Includes furniture used for outdoor dining such as tables and chairs, and ancillary equipment such as gas heaters, screens, planter boxes, umbrellas, blinds, menu boards, and awnings.

Street litter bin	Means a receptacle provided by Council in a public place to receive packaging, papers and other litter arising during the occupation or use of the public place by any person.
Tobacco product	Includes an e-cigarette; and both tobacco product and e-cigarette have the same meaning as in the <i>Tobacco Act 1987</i> .
Toy vehicle	Includes:  (a) a vehicle designed to be propelled by human power and includes a scooter, skateboard, roller skates, roller blades and like toys; and  (b) a remote control vehicle.
Trade waste	Means any waste, refuse, slops, or other matter arising from or generated by any trade, industry, or commercial undertaking.
Trade waste bin	Means a purpose-built container for the deposit of trade waste.
Trail bike	Means a motorcycle for use on rough terrain.
Tree protection zone	Means 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.  <i>** See Figure 1, 2 &amp; 3 following the definitions below.</i>
Unreasonable noise	Has the same meaning as in the <i>Environment Protection Act 2017</i> .
Urban growth zone	Means the urban growth zone in the Baw Baw Planning Scheme.

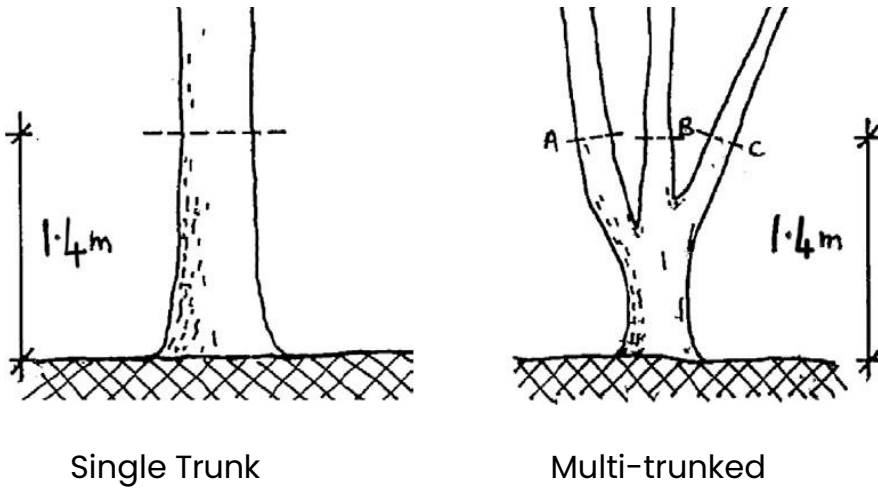


Urban zone	Includes a residential zone, commercial zone and industrial zone.
Use	In relation to a vehicle means park, ride or drive.
Utility	Has the same meaning as in the <i>Road Management Act 2004</i> .
Vehicle	Has the same meaning as in the <i>Road Safety Act 1986</i> .
Vermin	Includes but is not limited to rodents, cockroaches, bedbugs, flies, lice, mosquitoes, termites, European wasps, and parasitic worms.
Visitor	Means a person visiting the place of residence of the holder of the visitors parking permit.
Works	Includes, but is not limited to: <ul style="list-style-type: none"><li>(a) building, excavating, digging holes, compacting and landscaping;</li><li>(b) erecting fencing, hoarding and scaffolding;</li><li>(c) using a mobile crane or travel tower or similar;</li><li>(d) constructing, removing, or altering a vehicle crossing; and</li><li>(e) installing fences, barriers or other items that restricts access to or movement on a road.</li></ul>

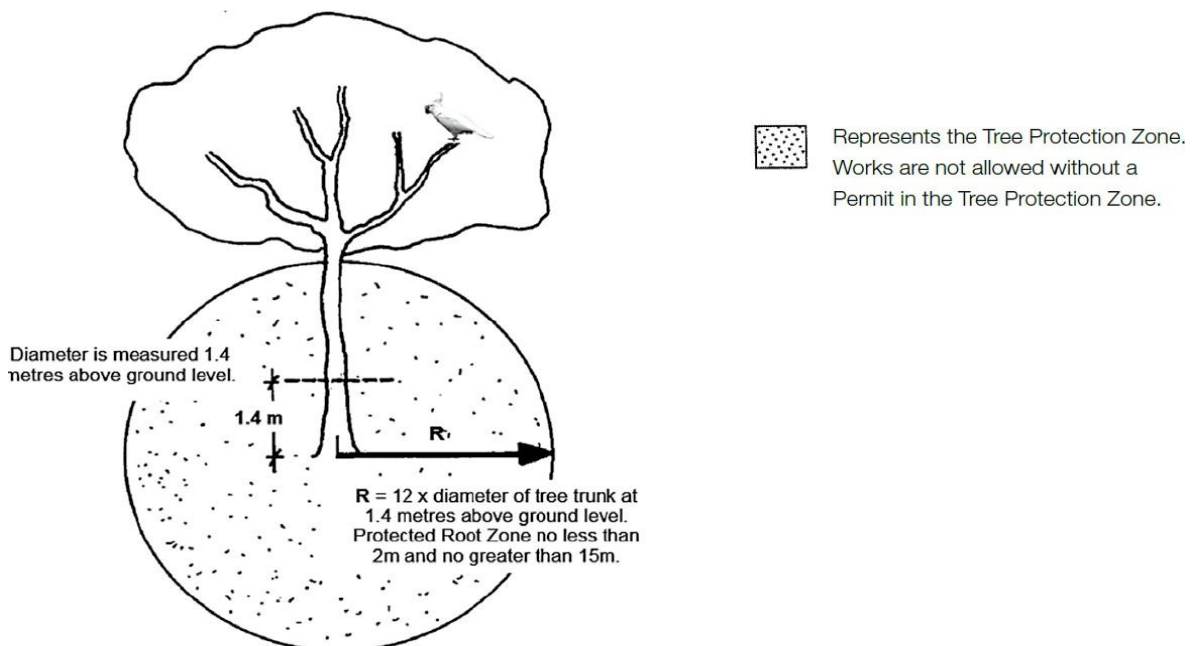
**Figure 1: Diagram illustrating how to measure the circumference of the base of different shaped trees.**



**Figure 2: Diagram illustrating where and how to measure the circumference at 1.4m above ground level.**



**Figure 3: Diagram illustrating how to determine the Tree Protection Zone**



**PART 2**  
**ANIMALS**

**9. Permitted Quantity of Animals**

- (1) The limitations and restrictions in this Part do not apply to the keeping of any animals permitted under the *Planning Scheme*, or for which a planning permit is required under the *Planning Scheme* and a planning permit has been issued for such keeping.
- (2) An *occupier* of any *land* in a *residential zone* or the *urban growth zone*<sup>1</sup> must not, without a *permit*, keep or allow to be kept on that *land* any more than four (4) different species of animals stated in the following table.
- (3) An *occupier* of any *land* in a *residential zone* or the *urban growth zone* must not, without a *permit*, keep or allow to be kept on that *land* in excess of the number of animals stated in the following table:

Animal <sup>2</sup>	Land up to 999m <sup>2</sup>	Land which is 1,000m <sup>2</sup> to 3,999 m <sup>2</sup>	Land which is 4,000m <sup>2</sup> and greater
Dogs	2	3	4
Cats	2	2	2
Horses, Ponies, Donkeys or similar	0	0	2
Sheep, Goats, Alpacas or similar	0	2	4
Pig	0	0	0
Rooster	0	0	0
Poultry	6	6	No limit
Cattle	0	0	1

<sup>1</sup> If land is not in a residential zone or urban growth zone - refer to the Baw Baw Planning Scheme to confirm the number of animals allowed to be kept on that land.

<sup>2</sup> For the purpose of calculating the maximum number of dogs and cats allowed to be kept on *land*, the progeny of any dog or cat lawfully kept on the *land* is not to be counted for twelve (12) weeks after their birth. An *assistance dog* or *assistance animal* is included in the total number of animals allowed, except where the number of nought (0) is specified in the Table.

- (4) Notwithstanding Clauses 9(2) and (3), if the above Table specifies the number of nought (0) for any type of *animal* on that size of allotment, the keeping of that type of *animal* on that size of allotment is prohibited and a *permit* cannot be granted.
- (5) *Council* or an *Authorised Officer* may exempt any *person* or class of persons from the application of Clauses 9(2), (3) or (4).
- (6) Notwithstanding Clauses 9(2), (3) and (4), a *person* is allowed to keep an *assistance dog* or *assistance animal on land*, provided that the *assistance dog* or *assistance animal* is registered with *Council* or an appropriate body or *applicable organisation*, if required under legislation.

## 10. Responsible Ownership of Dogs and Cats

A *person* must, when selling or giving away a dog or cat, provide details of the dog or cat and details of the new owner to *Council* within seven (7) days of selling or giving away that dog or cat.

## 11. Keeping of Animals

- (1) An *occupier* of *land* must ensure that any part of the *land* used for keeping an *animal* is:
  - (a) maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other *person*;
  - (b) kept to the satisfaction of *Council* or an *Authorised Officer*; and
  - (c) adequately fenced and the fence maintained to the satisfaction of *Council* or an *Authorised Officer*, so that any *animal* kept on the *land* cannot escape from that *land*.
- (2) An *occupier* of any *land* on which an *animal* is kept must ensure that:
  - (a) any structure on the *land* which houses an *animal* is located so as not to cause a nuisance to any *person*;
  - (b) any structure on the *land* which houses an *animal* is not attached to, or within one (1) metre of, a fence or other structure designed to separate neighbouring *land*;
  - (c) the *land* surrounding the place where the *animal* is kept is free from rubbish or vegetation that could attract or harbour *vermin*;
  - (d) all *animal* food for consumption kept or stored on the *land* is kept or stored in a *vermin* and fly proof receptacle; and

- (e) all *animal* waste is removed from the *land* so as not to be offensive or a nuisance to any other *person*.

## 12. 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, Council land* or *public place* and must immediately collect and properly dispose of the excrement.
- (2) A *person* in charge of an *animal* on any *road, Council land* or *public place* must carry a bag or other receptacle to collect and properly dispose of excrement from that *animal*.
- (3) A *person* in charge of an *animal* on any *road, Council land* or *public place* must produce a bag or other receptacle to collect and properly dispose of excrement from that *animal* at the request of an *Authorised Officer*.

## 13. Animal Noise

An *occupier* of any *land* must not allow an *animal* kept on that *land* to emit *unreasonable noise*.

## 14. Droving and Grazing of Livestock

- (1) A *person* who owns or is in charge or control of *livestock* must not without a *permit* cause or allow the *droving* or *grazing* of the *livestock* on any *road* or *public place*.
- (2) A *person* must not, without a *permit*, install a stock crossing or related sign or other infrastructure on any *road*.

## 15. Horses on Reserves

- (1) A *person* must not, without a *permit*, ride or lead a horse or cause or authorise another *person* to ride or lead a horse upon a *reserve, footpath* or nature strip within an *urban zone* other than in an area which is signposted as available for such activities.
- (2) *Council* may grant a *permit* for a horse to be ridden or led upon a *reserve, footpath* or nature strip within an *urban zone* where it is necessary and there is no reasonable and safe alternative.

## 16. Feeding of Animals

- (1) If an *Authorised Officer* is of the opinion that the feeding of an uncaged *animal* by a *person* is causing a nuisance or may damage property, the *Authorised Officer* may direct the *person* to cease feeding the *animal*.
- (2) A *person* to whom a direction is given under Clause 16(1) must comply with that direction.

## 17. Wasps and Bees

- (1) An *occupier* of private land must ensure that any European wasps on the *land* are destroyed.
- (2) An *occupier* of private land must ensure that any European honeybees that have a hive or are swarming on the *land* are removed from the *land* unless the hive is registered with an appropriate body.

**PART 3**  
**YOUR PROPERTY**

**18. Unsightly Land**

- (1) An *occupier* of *land* must not keep or allow another *person* to keep that *land* in a manner which is:
  - (a) unsightly; or
  - (b) detrimental to the general amenity of the neighbourhood in which it is located.
- (2) Without limiting the generality of Clause 18(1), *land* may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:
  - (a) disused excavation;
  - (b) a *building* which is incomplete and not currently being constructed;
  - (c) unconstrained rubbish, *litter*, waste material or any stockpile that adversely affects the amenity of the *land* or neighbourhood;
  - (d) dead, diseased or dying vegetation;
  - (e) growth of vegetation and undergrowth exceeding a height of 300 millimetres;
  - (f) second-hand materials, scrap metal, building materials or building refuse;
  - (g) derelict vehicles and machinery, or vehicle- or machinery parts; or
  - (h) graffiti on exterior walls of buildings or fences.
- (3) An *occupier* of *land* must not allow any grass or weeds on that *land* to exceed 300 millimetres in height except that which is grown for *fodder*.

**19. Dilapidated Buildings**

- (1) An *occupier* of *land* must not allow a *building* located on the *land* to:
  - (a) become dilapidated; or
  - (b) become further dilapidated,and must maintain any such *building* in a state of good repair.
- (2) For the purposes of Clause 19(1), a *building* is dilapidated if it is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, or misuse.

## 20. Dangerous Land

- (1) An *occupier* of *land* must not:
  - (a) keep or allow another *person* to keep that *land* in a manner which is dangerous or likely to cause danger to health, life or property; or
  - (b) allow that *land* to contain *vermin*; or
  - (c) allow that *land*, if it is located in a *residential, commercial* or *industrial zone*, to contain *noxious weeds*.
- (2) Clause 20(1)(a) does not apply to any danger to health, life or property arising from the condition of vegetation, including trees, unless the vegetation or trees poses a risk to persons or property in a *public place*.
- (3) An *occupier* of *land* must not, without a *permit*, store any matter, hazardous substance or thing which is dangerous or likely to cause danger to health, life or property on that *land*.
- (4) An *occupier* of *land*, who installs new or maintains an existing *electric fence* on *land* that is adjacent to a *public place*, must ensure that the *electric fence* complies with the Australian/New Zealand Standards relating to electric fencing.

## 21. Overhanging Obstructions or Vegetation

An *occupier* of *land* must not permit anything, including vegetation, located on the *land* to:

- (a) overhang a *road, public place* or *Council land* at a height of less than 3 metres from the surface of the *road, public place* or *Council land*;
- (b) overhang the boundary of the *land* so as to obstruct the clear view of a pedestrian or the driver of any *vehicle* approaching the intersection or travelling along the *road* abutting the *land*;
- (c) encroach upon any *road, public place* or *Council land*;
- (d) obscure, interfere with, or cause damage to streetlights, street signs, street furniture or a traffic control device;
- (e) interfere with or cause damage to any fixture or other structure on a *road, public place* or *Council land*; or
- (f) otherwise prejudice the safe and convenient use of any *road, public place* or *Council land* by pedestrians or drivers.



## 22. Tree Protection on Private Land

An *occupier* of *land* must not on private land, without a *permit*:

- (a) cut, lop, trim, destroy, damage, remove or otherwise interfere with any *significant tree*, or engage, allow, authorise or direct any other *person* to undertake any of these actions; or
- (b) carry out any *works* within the *tree protection zone* of a *significant tree* or engage, allow, authorise or direct any other *person* to carry out the *works*.

## 23. Shipping Containers on Private Land

An *occupier* of private land must not, or must not allow another *person* to, keep, store, place, repair or in any other manner use a shipping container on that *land* without a *permit* issued under this Local Law, unless permitted under the *Planning Scheme* or for which the *Planning Scheme* requires a planning permit for such use and a planning permit under the *Planning Scheme* has been issued.

## 24. Vehicles on Private Land

- (1) A *person* must not, without a *permit*, keep, park, store, or repair or allow another *person* to keep, park, store or repair:
  - (a) a *vehicle* over 7.5 metres in length (including any trailer and fittings) and/or a *vehicle* with a Gross Vehicle Mass in excess of 4.5 tonnes on private land, which is in a *residential zone*, unless that *vehicle* is:
    - (i) a motor home, caravan or boat trailer that is currently registered; or
    - (ii) parked, kept, stored or repaired for less than one hour, or when the driver is picking up or setting down goods;
  - (b) more than one *vehicle* which is not currently registered or has a permit from VicRoads on private land if the *land* is 1,000 square metres or less in size; or
  - (c) more than two *vehicles* which are not currently registered or have a permit from VicRoads on private land if the *land* is more than 1,000 square metres but less than 4,000 square metres in size.
- (2) Clause 24(1) does not apply to the keeping, parking, storing or repairing of a *vehicle* permitted under the *Planning Scheme*, or for which a planning permit is required under the *Planning Scheme* and a planning permit has been issued for such keeping, parking, storing or repairing.

## 25. Camping and Caravans on Private Land

- (1) A *person* must not *camp* on private land where there is no existing *dwelling* on that *land*, unless:
  - (a) the period of camping does not exceed 72 hours;
  - (b) appropriate sanitary facilities are available to the *land*; and
  - (c) there is no detrimental effect on the amenity of adjoining *land*.
- (2) A *person* may *camp* on private land where there is an existing *dwelling* for a cumulative period of not more than twenty-eight (28) days in any twelve (12) month period provided that:
  - (a) appropriate sanitary facilities are available to the *land*; and
  - (b) there is no detrimental effect on the amenity of adjoining *land*.
- (3) A *person* must not, without a *permit* or unless permitted to do so under the *Planning Scheme*, *camp* on private land in excess of the period prescribed in Clause 25(2).
- (4) A *person* must not, without a *permit*, keep or store more than one caravan on any *land* in a *residential zone* unless permitted to do so under the *Planning Scheme*.

## 26. Property Numbers

*Council* may from time to time allot an address number to *land* and may from time to time allot a different number to the *land* or otherwise change the numbering and an *occupier* must:

- (a) ensure that the *land* is marked with the number allocated by *Council* and the number is of sufficient size, free from obstructions and kept in such a state of repair that it can be clearly read under normal lighting conditions from the *road* immediately adjacent to the front boundary of the *land*; and
- (b) not number or display a number in respect to the *land* unless the number has been allocated to or approved for use by *Council* in relation to the *land*.

## 27. Audible Intruder Alarm

A *person* must not in any *premises* 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 *premises*, unless such an alarm is

constructed or regulated to ensure that it complies with the relevant Australian Standard.

## 28. Recreational Vehicles

- (1) A *person* must not use a *recreational vehicle on private land*:
  - (a) within a *residential zone*; or
  - (b) within the *rural living zone* where that *land* is 4,000 square metres or less in size.
- (2) A *person* must not use a *recreational vehicle on private land* without a *permit*:
  - (a) if that *land is* within the *rural living zone* and the *land* is greater than 4,000 square metres in size; or
  - (b) for non-commercial purposes if that *land is* within a *commercial or industrial zone*.

## PART 4

### OPEN AIR BURNING

Nothing in this Part 4 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 *Country Fire Authority Act 1958* or the *Fire Rescue Victoria Act 1958*.

#### 29. Restrictions on Burning in the Open Air

A *person* or *occupier* of *land* must not, without a *permit*, light or allow to be lit a fire *in the open air* on any *land*, unless:

- (a) the fire is lit or allowed to remain alight for genuine hazard reduction purposes;
- (b) the fire is not within 20 metres of any neighbouring *dwelling*;
- (c) the fire is not within 10 metres of any other structure;
- (d) a pile size of no more than 4 cubic metres of vegetation is burnt at any one time; and
- (e) the fire is lit in accordance with Clause 33 – General Provisions.

#### 30. Restrictions on Burning in the Open Air by Primary Producers

A *person* or *occupier* of *land* who is a *primary producer* must not, without a *permit*, light or allow to be lit a fire *in the open air* on *land* used for primary production, unless:

- (a) the fire is lit or allowed to remain alight for genuine hazard reduction purposes;
- (b) the fire is not within 20 metres of any neighbouring *dwelling*;
- (c) the fire is not within 10 metres of any other structure; and
- (d) the fire is lit in accordance with Clause 33(1)(b) to (h) and Clause 33(2) and (3).

#### 31. Restrictions on Burning in the Open Air -Land Located in Walhalla

- (1) A *person* must not, without a *permit*, light or allow to be lit, a campfire within a 1.2km radius of the Old Walhalla Post Office Museum, unless that fire is lit in a formally constructed and permanent campfire pit or structure that has been approved by *Council*.

- (2) The restriction in Clause 31(1) does not apply to privately owned *land* on which a permanent *dwelling* exists, and where the *occupier* of that *land* lights or allows to be lit a fire in a chiminea, fire pit or other similar and properly constructed appliance while being used for heating or cooking food.

### 32. Nuisance Burning and Incinerators

- (1) A *person* or *occupier* of *land* must not light or allow to be lit, a fire in an *incinerator*.
- (2) A *person* or *occupier* of *land* must not light or allow to be lit on any *land*, a fire *in the open air* that:
  - (a) is offensive or a nuisance to another *person* in the vicinity, or beyond the property boundary;
  - (b) may cause a hazard to a person's health;
  - (c) has an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a *road*; or
  - (d) creates a hazard on, or near, a *road*.
- (3) A *person* or *occupier* of *land* must not light or allow to be lit on any *land*, a fire *in the open air* to burn:
  - (a) green or wet vegetation;
  - (b) non timber based materials;
  - (c) rubber or plastic, including plastic mulch, plant pots, silage wrap and packaging materials;
  - (d) furnishings or carpet;
  - (e) manufactured chemicals or pressurised cans;
  - (f) petroleum or oil products;
  - (g) paint or any container in which paint is or was kept;
  - (h) food waste;
  - (i) manure or straw;
  - (j) carcasses or dead animals, unless prescribed by the Department of Energy, Environment and Climate Action as the only means of disposal; or
  - (k) other offensive, noxious or toxic matter.

### 33. General Provisions

- (1) A *person* or *occupier of land* who has lit or allowed a fire to be lit *in the open air* must ensure that:
  - (a) the fire is lit or allowed to remain alight only between the hours of 9am to 5pm;
  - (b) the fire is supervised at all times by a *person* over the age of 18 years old, who has the capacity and means to extinguish the fire;
  - (c) the *person* in charge of the fire is not:
    - (i) outside the line of sight of the fire; and
    - (ii) more than 50 metres from the perimeter of the fire;
  - (d) sufficient fire protection equipment, including an adequate water supply, is available to extinguish the fire;
  - (e) the vegetation to be burnt is dead and dry prior to lighting it;
  - (f) at the site of the fire, the wind speed forecast by the Bureau of Meteorology must not exceed 15 kilometres per hour at the time the fire is lit and for the duration of the period the fire remains lit;
  - (g) at the site of the fire, the temperature forecast by the Bureau of Meteorology must not exceed 30 degrees Celsius at the time the fire is lit and for the duration of the period the fire remains lit; and
  - (h) a notification of the burn is registered online at [Burn-off and water-off notifications | triplezero.vic.gov.au](https://triplezero.vic.gov.au) or by calling 1800 668 511.
- (2) A *person* or *occupier of land* who has lit or allowed a fire to be lit or is in charge of a fire *in the open air* must, before leaving the place of the fire:
  - (a) completely extinguish the fire; or
  - (b) ensure that a *person* over the age of 18 years old who has the capacity and means to extinguish the fire remains at all times in charge of the fire.
- (3) The restrictions in Clauses 29 and 30 do not apply to:
  - (a) a barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
  - (b) a fire in a brazier, fire pit or chiminea or other similar and properly constructed appliance while it is being used for heating;
  - (c) a fire lit during the course of duty by a member of a fire and emergency services agency; or

- (d) a fire lit as part of and during the time of a recognised cultural or religious event or observance.

#### **34. Direction to Extinguish Fires**

A *person* or *occupier of land* who has lit or allowed a fire to be lit contrary to the provisions in this Part or any condition contained in a *permit*, must extinguish the fire immediately on being directed to do so by:

- (a) an *Authorised Officer*, or
- (b) a member of Victoria Police or the Country Fire Authority or Fire Rescue Victoria.

#### **35. Restrictions on Burning in the Open Air in Public Places and on Council Land**

A *person* must not, without a *permit* light or allow to be lit, a fire *in the open air* on:

- (a) a *road*;
- (b) *Council land*;
- (c) Crown land; or
- (d) any *public place*.

## PART 5

### WASTE MANAGEMENT

#### 36. Domestic Waste

- (1) *Council* or an *Authorised Officer* may determine under this clause whether an *approved waste bin* is to be used for the deposit of waste by the *occupier of land*, and the *occupier of the land* must comply with any such determination by *Council* or an *Authorised Officer*.
- (2) An *occupier of land* for which *Council* provides a waste collection service must ensure that:
  - (a) all domestic waste, green waste and recyclable waste generated at the *land* are placed in the *approved waste bin* provided by *Council* for collection, in accordance with any standards, policies or guidelines of *Council* applicable to waste services;
  - (b) all *approved waste bins* are placed for collection on the nature strip or *footpath* adjacent, and as close as practicable, to the roadside so as not to cause any obstruction or danger to any *person*, or in any other manner directed by *Council* or an *Authorised Officer* from time to time for the purposes of this clause;
  - (c) any one *approved waste bin* placed out for collection does not exceed a maximum weight of 80 kilograms;
  - (d) all *approved waste bins* placed out for collection are capable of being closed, and are closed, to prevent anything placed in the bins from escaping;
  - (e) empty *approved waste bins* are returned to the *occupier's land* as soon as practicable, and no later than 48 hours after collection;
  - (f) any waste which has spilled onto the *road*, nature strip or surrounding area during collection is removed;
  - (g) all *approved waste bins* are maintained:
    - (i) in good order; and
    - (ii) in a clean, sanitary and odour-free condition; and
  - (h) the site on which an *approved waste bin* is located and the location where it is placed for collection is maintained in a clean, inoffensive, and sanitary condition.
- (3) An *occupier of land* for which *Council* provides a waste collection service must not deposit in any *approved waste bin* provided by *Council*:



- (a) hazardous waste or chemicals;
  - (b) liquid waste of any kind;
  - (c) *e-waste*;
  - (d) grossly offensive material, including but not limited to animal carcasses;
  - (e) unless it has been securely wrapped in paper or some other impermeable cover or container to prevent its escape:
    - (i) dirt, dust, or other matter from any vacuum cleaner;
    - (ii) ashes, hair or other similar matter;
  - (f) hot ashes;
  - (g) broken glass unsuitable for recycling, or other sharp objects, unless properly contained or wrapped in such a way as to render them harmless and inoffensive;
  - (h) oil, paint, solvents or similar substance;
  - (i) any item or substance which may damage the collection vehicle or damage or reduce the strength or effectiveness of the *approved waste bin*;
  - (j) disposable nappies unless they have been securely wrapped in impermeable material prior to being placed in the *approved waste bin*;
  - (k) vehicle or engine parts, including tyres;
  - (l) medical waste, syringes or veterinary waste; or
  - (m) construction or demolition waste, and trade wastes of any kind.
- (4) An *occupier of land* for which *Council* provides a *waste collection service* must:
- (a) upon being directed to do so by *Council* or an *Authorised Officer*, remove or cause to be removed from the *approved waste bin* any material deposited or caused to be deposited in contravention of Clause 36(3);
  - (b) immediately notify *Council* if their *approved waste bin* develops a defect, is destroyed or damaged, or is lost or stolen;
  - (c) not damage, alter, compromise, deface or interfere with any *approved waste bin* or cause or allow an *approved waste bin* to be damaged, altered, compromised, defaced or interfered with; and
  - (d) not deposit any waste generated at the *land* into a *street litter bin*, unless authorised to do so by *Council* or an *Authorised Officer*.

### 37. Waste Collection

- (1) A *person* must not place, or cause or allow to be placed, any thing (other than an *approved waste bin* provided by *Council*) on a nature strip or other part of a *road*, except for the purposes of a waste collection service provided by *Council*.
- (2) A *person* must not, without the consent of the *occupier* who placed a thing on a nature strip or other part of a *road* for the purpose of a waste collection service, or the consent of *Council* or an *Authorised Officer*, add any thing to, or remove or interfere with any thing left for collection under Clause 37(1).
- (3) A *person* must only place *hard waste* for collection in accordance with any standards, policies or guidelines of *Council* or as directed by an *Authorised Officer*.
- (4) A *person* must not place, or cause or allow to be placed, *hard waste* for collection on a nature strip or other part of a *road* more than seven days prior to the:
  - (i) booked collection date; or
  - (ii) advertised commencement date of a *hard waste* collection for the *land* where the *hard waste* is placed.

### 38. Trade Waste

- (1) The *occupier* of a commercial or industrial premises for which *Council* provides a waste collection service must comply with Clause 36 and Clause 37.
- (2) Notwithstanding Clause 36(2)(e) a *person* must not place an *approved waste bin* from a commercial premises out for collection on a nature strip or other part of a *road* prior to 4.00pm the day prior to collection and must return that bin to the premises by 10.00am on the day of collection.
- (3) If the *occupier* of a commercial or industrial premises utilises a waste collection service other than, or in addition to, a waste collection service provided by *Council*:
  - (a) the *occupier* must ensure that for the purposes of that *trade waste* collection service, the *trade waste bin* provided for the storage of *trade waste* is:
    - (i) constructed of impervious materials, watertight and pest proof;
    - (ii) emptied before it overflows;

- (iii) removed from any *public place* immediately after it is emptied;
  - (iv) maintained and kept in a clean condition and free from offensive odours; and
  - (v) not placed on a nature strip or other part of a *road*, for the purpose of emptying of the *trade waste bin* for longer than 48 hours;
- (b) a *person* who places a *trade waste bin* on a nature strip or other part of a *road*, to be emptied must ensure that it does not cause any obstruction or danger to any *person*; and
- (c) a *person* who has placed a *trade waste bin* on a nature strip or other part of a *road*, must repair any damage to the nature strip or *road* or any works in the *road*, including a vehicle crossing, that results from placing the *trade waste bin* on the nature strip or *road* or emptying it.
- (4) The *occupier* of a commercial or industrial premises must not deposit any waste generated at the premises into a *street litter bin*.

### 39. Bulk Rubbish Containers

A *person* must not, without a *permit*, place a *bulk rubbish container* on a *road* or *Council land*.

## PART 6

### COUNCIL LAND, ROADS AND PUBLIC PLACES

#### DIVISION 1 – BEHAVIOUR

#### 40. Behaviour on Roads and Council Land

A *person* must not:

- (a) act in a manner that is likely to interfere with the reasonable use and enjoyment of a *road* or *Council land* by other persons;
- (b) create a nuisance on a *road* or *Council land*;
- (c) cause or allow *unreasonable noise* to be emitted from a *road* or *Council land*;
- (d) act in a manner which endangers any other *person* on a *road* or *Council land*;
- (e) use indecent, insulting, offensive or abusive language on a *road* or *Council land*;
- (f) behave in an indecent, offensive, insulting, or riotous manner on a *road* or *Council land*;
- (g) in a *road* or *Council land* defecate except in a toilet or urinate except in a toilet or urinal;
- (h) act contrary to any restriction, prohibition or direction contained on a sign on a *road* or *Council land*;
- (i) use or interfere with any lifesaving or emergency device located on a *road* or *Council land*, unless using the device in an emergency or participating in instruction or maintenance approved by *Council*;
- (j) damage, destroy, deface, remove or interfere with anything in or on any *building*, improvement or other structure of any kind on a *road* or *Council land*;
- (k) organise, conduct, or hold any function or *event* on a *road* or *Council land* without the written consent of *Council* or an *Authorised Officer* or a *Council* staff member;
- (l) erect, operate or cause to be erected or operated any amusement, without a *permit*, on a *road* or *Council land*;
- (m) obstruct, hinder, or interfere with a *Council* staff member in the performance of their duties on a *road* or *Council land*;
- (n) act contrary to any reasonable direction of an *Authorised Officer* or *Council* staff member given on a *road* or *Council land*, including, without limitation, a direction to leave the *road* or *Council land*, whether or not a fee for admission has been paid; or

- (o) remain on a *road* or *Council land* after being directed to leave by an *Authorised Officer* or a *Council* staff member.

#### 41. Access to a Municipal Place

- (1) *Council* or an *Authorised Officer* or a *Council* staff member may determine the hours when any *municipal place* will be open to the public.
- (2) A *person* must not, without the consent of *Council* or an *Authorised Officer* or a *Council* staff member:
  - (a) act contrary to any conditions of entry or membership applicable to a *municipal place*;
  - (b) enter or remain in a *municipal place* after being directed to leave by an *Authorised Officer* or a *Council* staff member;
  - (c) enter or remain in a *municipal place* during hours when the *municipal place* is not open to the public;
  - (d) bring any *animal* into, or allow any *animal* under their control to remain in a *municipal place*, except for an *assistance dog* being used by that *person*; or
  - (e) bring any *vehicle* or *toy vehicle* into a *municipal place*, except for:
    - (i) a pram or pusher being used by a child; or
    - (ii) a wheelchair being used by a physically disabled person.
- (3) A *person* must not remain in a *municipal place* while under the influence of alcohol or any prohibited drug.
- (4) A *person* must not act contrary to any reasonable direction of an *Authorised Officer* or a *Council* staff member given in or on a *municipal place*.

#### 42. Tree and Vegetation Protection on Council Land

- (1) A *person* must not on *Council land*, a *road* or a *public place*, without a *permit*:
  - (a) destroy, damage, remove, lop or otherwise interfere with any vegetation or engage, allow, authorise or direct any person to destroy, damage, remove, lop or otherwise interfere with vegetation; or
  - (b) carry out any *works* within the *tree protection zone* of a *significant tree* or engage, allow, authorise or direct any other *person* to undertake such *works*.

- (2) Clause 42(1) does not apply to:
  - (a) a *person* authorised by *Council* to undertake any such *works* in the course of their employment;
  - (b) a *person* acting in accordance with an instruction or direction from an *Authorised Officer*, or
  - (c) a *person* whose actions are authorised under a Planning Permit under the *Planning Scheme*.
- (3) A *person* must not, without a *permit* or the written consent of *Council* or an *Authorised Officer* or a *Council* staff member, plant any vegetation on *Council land*, a *road* or a *public place*.
- (4) A *person* must not without a *permit* collect or remove wood, including dead trees and fallen branches, on *Council land* or a *road* unless:
  - (a) collecting from a *Council* designated collection site during designated collection times; or
  - (b) the wood has fallen from a tree located on privately owned *land*, that has fallen onto *Council land* or a *road*.

#### 43. Smoking in a Smoke Free Area

- (1) *Council* may designate any area within the *municipal district* to be a *smoke free area* and may prescribe times and dates during which a *person* must not *smoke* in such an area.
- (2) Any designation of areas, times and dates under Clause 43(1) must be published by *Council* by giving public notice at least 14 days before the restrictions are to be introduced by:
  - (a) giving notice in a newspaper generally circulating throughout Victoria and on *Council*'s website; and
  - (b) posting notices on a publicly accessible notice board at the principal office of *Council*.
- (3) A *person* must not *smoke* a *tobacco product* in a *smoke free area*.
- (4) Where an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened Clause 43(3), the *Authorised Officer* may direct the *person* to extinguish and then dispose of the *tobacco product*.
- (5) A *person* to whom a direction is given under Clause 43(4) must comply with that direction.
- (6) *Council* or an *Authorised Officer* may erect, or cause to be erected, an *acceptable no smoking sign* in a *smoke free area*.

#### 44. Smoking on Council Land

- (1) A *person* must not *smoke*:
  - (a) inside a *building* on *Council land*; or
  - (b) on *Council land* within ten (10) metres of the entrance to a *building*.
- (2) Where an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened Clause 44(1), the *Authorised Officer* may direct the *person* to extinguish and then dispose of the *tobacco product*.
- (3) A *person* to whom a direction is given under Clause 44(2) must comply with that direction.
- (4) *Council* or an *Authorised Officer* may erect, or cause to be erected, an *acceptable no smoking sign* on *Council land*.

#### 45. Consumption and Possession of Liquor

- (1) A *person* must not, without a *permit*, on a *road*, *Council land* or *public place* (including in or on a stationary *vehicle* on a *road*, *Council land* or *public place*):
  - (a) consume any *liquor*, or
  - (b) have in their possession or control, any *liquor* other than in a sealed container.
- (2) Clause 45(1) does not apply to a *person* who consumes *liquor* in a licenced premises or authorised premises or any other place where the consumption of any *liquor* or the possession of *liquor* in an unsealed container is permitted under the *Liquor Control Reform Act 1998*.
- (3) If an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened Clause 45(1), the *Authorised Officer* may direct the *person* to seal any container or dispose of the contents of any unsealed container.
- (4) A *person* to whom a direction is given under Clause 45(3) must comply with that direction.
- (5) *Council* may prescribe certain parts of the *municipal district* where the consumption of *liquor* or the possession of *liquor* is prohibited.
- (6) No prescription under this Clause 45(5) will have any force or effect unless signs advising of the prohibitions are erected in the relevant area of the *municipal district*.

#### 46. Council Sign

A *person* must comply with any sign erected or installed by or on behalf of *Council* on a *road* or *Council land*.

#### 47. Activities in or on a Reserve

A *person* must not, without a *permit*, in or on any *reserve*:

- (a) use, ride, drive or park a *vehicle*, except on a signed or dedicated path or laneway reserved for such a *vehicle*;
- (b) play, engage in or practise any game or sport, whether or not in accordance with a *permit* issued under this Local Law, in a manner that is:
  - (i) dangerous to any other *person*; or
  - (ii) likely to interfere with the reasonable use or enjoyment of any other *person*;
- (c) play or practise golf unless designated or set aside as a golf course;
- (d) conduct any fitness training or health and wellbeing activity for commercial purposes; or
- (e) play, organise or engage in any organised competitive sport or game, unless authorised to do so under an appropriate licence agreement or with the written consent of *Council* or an *Authorised Officer* or a *Council* staff member.

#### 48. Camping on a Road or Council Land

- (1) A *person* must not, without a *permit*, *camp* on *Council land*, a *public place*, or any *road* unless they are within a caravan park registered under the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024*.
- (2) Notwithstanding Clause 48(1), *Council* may prescribe an area or location as an area where a *person* may *camp* for a maximum period of seven (7) days.
- (3) *Council* or an *Authorised Officer* may require a *person* who *camp*s in an area prescribed under Clause 48(2) to:
  - (a) register with *Council* in a manner prescribed by *Council* or an *Authorised Officer*; and



(b) provide such details as determined by *Council* or an *Authorised Officer*

prior to commencing the camping.

- (4) A *person* must comply with Clause 48(3) if required to do so by *Council* or an *Authorised Officer*.
- (5) Notwithstanding Clause 48(1), a *person* must not, without a *permit*, camp in a tent, caravan, camper van, *motor vehicle* or other temporary or makeshift structure within a 1.2km radius of the Old Walhalla Post Office Museum, Walhalla, unless they are in a designated camping area, or permitted under the *Planning Scheme*.

## PART 6

### COUNCIL LAND, ROADS AND PUBLIC PLACES

#### DIVISION 2 – VEHICLES

##### 49. Repair of Vehicles

A *person* must not, without a *permit*, paint or carry out any repairs or maintenance of a *vehicle* on a *road* or *Council land* or *public place*, other than to enable it to be moved.

##### 50. Display of Vehicles

A *person* must not, without a *permit*, display a *vehicle* for sale or hire on a *road* or *Council land* or *public place*.

##### 51. Storage of vehicles on Council Land

A *person* must not, without a *permit*, place or store or allow to be placed or stored a boat, caravan, or trailer in or on *Council land*.

##### 52. Abandoned, Derelict and Unregistered Vehicles

- (1) A *person* must not park or store an abandoned, derelict, or unregistered *vehicle* or cause or allow such a *vehicle* to be parked or stored on a *road* or *Council land*.
- (2) Any *vehicle* found on a *road* or *Council land* that is considered by an *Authorised Officer* to be abandoned, derelict or unregistered may be dealt with under the provisions of Schedule 11 of the *Local Government Act 1989*.

##### 53. Toy Vehicles and Bicycles

A *person* must not on a *road* or *Council land*:

- (a) use, place or leave or allow another *person* to use, place or leave a *toy vehicle* or bicycle in such a manner as to interfere with the passage of, or cause annoyance or danger to, any *person* on or using the *road* or *Council land*; or
- (b) use or allow another *person* to use a *toy vehicle* in an area prescribed by *Council* to be a prohibited place for the purpose of this clause.

#### **54. Use of Recreational Vehicles in a Public Place**

A *person* must not without a *permit*, in a *public place*, ride or cause or allow to be ridden any *recreational vehicle*, except where the use is prescribed or authorised by signs placed on the *land* by *Council* or permitted under an Act or regulation.

#### **55. Behaviour Involving Motor Vehicles**

- (1) A *person* must not participate in, encourage, or attend a *hoon event*.
- (2) The driver of a *vehicle* must not stop or park, for the purposes of attending a *hoon event*, within 200 metres of a *motor vehicle* involved in a *hoon event*.

## PART 6

### COUNCIL LAND, ROADS AND PUBLIC PLACES

#### DIVISION 3 – BUSINESSES

##### 56. Shipping Containers

A *person* must not, without a *permit*, store, keep or place a shipping container on any *Council land*.

##### 57. Signage

- (1) A *person* must not, without a *permit* or an appropriate licence agreement, place or allow to be placed an *advertising sign* on a *road* or *Council land*.
- (2) If, after making all reasonable enquiries, an *Authorised Officer* is unable to identify or locate the *person* who placed or allowed the *advertising sign* to be placed on a *road* or *Council land* in contravention of Clause 57(1), the *Authorised Officer* may serve a Notice to Comply on the *person* or persons who in the *Authorised Officer*'s opinion benefits from the *advertising sign* directing that *person* to remove the *advertising sign* by the time and date specified in the Notice to Comply.
- (3) A *person* served with a Notice to Comply in accordance with Clause 57(2) must comply with the Notice to Comply.
- (4) An *advertising sign* must not contain any offensive or inappropriate content.

##### 58. Street Furniture and Display of Goods

- (1) A *person* must not, without a *permit* or an appropriate licence agreement, place or allow to be placed *street furniture* or display goods on a *road* or *Council land*.
- (2) A *person* must, in addition to Clause 58(1), comply with any *permit* conditions and additional requirements in Council's *Roadside and Footpath Trading Policy*.
- (3) Notwithstanding Clauses 58(1) and (2), a *person* is exempt from applying for a *permit* or an appropriate licence agreement to place or allow to be placed *street furniture* or display goods on a *road* or *Council land* if permitted to do so under Council's *Roadside and Footpath Trading Policy*.

### 59. Trading Activities

- (1) A *person* must not, without a *permit*, *sell*, or cause or allow another *person* to *sell*, from or on a *road* or *Council land*:
  - (a) any goods or services from a *vehicle*, *animal*, stall, or other like structure; or
  - (b) any goods or services carried on the *person*.
- (2) A *person* must not, without a *permit*, *sell* goods or solicit or try to attract trade or business on vacant *land* or *land* which they do not ordinarily occupy.

### 60. Street Collection and Distribution

A *person* must not, without a *permit* or written permission under the Road Safety (Traffic Management) Regulations 2019, solicit, distribute, or collect any gifts, monies, pamphlets, flyers or subscriptions from a *road* or *Council land*.

### 61. Spruiking

A *person* must not, without a *permit*, spruik, tout, or solicit the sale of any goods or services on a *road* or *Council land* or from any land adjacent to a *road* or *Council land*.

### 62. Busking, Fundraising and Community Awareness Activities

A *person* must not, without a *permit* *busk*, fundraise, or conduct a community awareness activity on a *road* or *Council land*.

### 63. Filming

A *person* must not, without a *permit*, conduct or allow any filming for commercial purposes on a *road* or *Council land*.

### 64. Circuses, Carnivals, Festivals or Events

A *person* must not, without a *permit* or an appropriate licence agreement or the written consent of *Council* or an *Authorised Officer* or a *Council* staff member, hold or allow to be held a circus, carnival, festival, or *event* on *Council land*.

### 65. Charity Bins

- (1) A *person* must not, without a *permit*, place a *charity bin* on a *road* or *Council land* or *public place*.

- (2) A *person* or holder of a *permit* to place a *charity bin* on a *road*, *Council land* or *public place*, must not allow items to remain outside the confines of the *charity bin*.

## 66. Shopping Trolleys

- (1) A *person* must not leave a shopping trolley on a *road*, *vacant land* or *Council land*, except in an area designated by *Council* for the leaving of shopping trolleys.
- (2) A *person* must not be in possession or control of a shopping trolley outside of a 200-metre radius from the *retailer* which provided or made available the shopping trolley.
- (3) A *retailer* who provides shopping trolleys must ensure that their name and contact number are clearly marked on the shopping trolley.
- (4) If a shopping trolley has been left on a *road*, *vacant land* or *Council land* (other than an area designated by *Council* for the leaving of shopping trolleys), an *Authorised Officer* may direct the *retailer* who provides the shopping trolley, or the *person* in charge of the retail premises from which it has been transported, to remove the shopping trolley.
- (5) A *person* to whom a direction is given under Clause 66(4) must comply with that direction.
- (6) *Council* or an *Authorised Officer* or a *person* engaged by *Council* for this purpose may, on behalf of *Council*, seize and impound any shopping trolley which has been left on a *road*, *vacant land* or on *Council land* in contravention of this Local Law.

## PART 7

### ASSET PROTECTION

#### DIVISION 1 – ASSET PROTECTION PERMITS AND BUILDING SITES

##### 67. Asset Protection Permits

- (1) An *occupier of land* must obtain an Asset Protection Permit prior to the commencement of *building works* on a *building site*.
- (2) A *person* to whom an Asset Protection Permit has been issued must comply with all conditions and requirements of the Asset Protection Permit.
- (3) An *occupier of land* and a *builder* must not without an Asset Protection Permit cause or allow:
  - (a) entry to the *building site* with a *motor vehicle* that has a gross weight exceeding two tonnes;
  - (b) a *road* to be occupied for the carrying out of any works in association with the *building works* or *building site*;
  - (c) the connection of *land* to a stormwater drain vested in Council's control;
  - (d) the opening, alteration or repair of a drain vested in Council's control in association with the *building works* or *building site*;
  - (e) vehicular access to the *building site* from a point other than a vehicle crossing; or
  - (f) the use of any *land* adjoining or within proximity of the *building site* for the purpose of storing materials or equipment associated with the *building works* or *building site*.
- (4) An application for an Asset Protection Permit must:
  - (a) be accompanied by such fee as is fixed by *Council*;
  - (b) include a statement from the *person* in charge of the *building works* about the location and the extent of any pre-existing damage to public infrastructure assets adjacent to the *building site*; and
  - (c) be lodged with *Council* prior to commencement of the activity for which the Asset Protection Permit is required.
- (5) *Council* may exempt an *occupier of land* and *builder* from one or more of the obligations imposed by Clauses 67(1) to (3) subject to such conditions it considers appropriate.

- (6) An *occupier of land* and *builder* must repair to the satisfaction of *Council* or an *Authorised Officer*, roads, road reserves, channels, drains, vehicle crossings or any other asset owned or vested in *Council*, which has been damaged, altered, compromised or interfered with in connection with the *building site* for which an Asset Protection Permit has been obtained.
- (7) *Council* or an *Authorised Officer* may approve the carrying out of work by another *person*, or carry out the work itself where:
  - (a) damage, alteration, compromise or interference has occurred as a result of *building works*; or
  - (b) there is a danger to life, safety, property, or the environment.
- (8) Where work under Clause 67(7) is carried out by *Council* or another *person* on behalf of *Council*, *Council* may recover the cost of the work from the *occupier of the land* or *builder*.
- (9) For the purpose of Clause 67(7), *Council* or an *Authorised Officer* may determine the cost of repairs to *Council* assets.

#### **68. Requirement for Bond**

- (1) If in the opinion of *Council* or an *Authorised Officer* it is likely that any *Council* asset may be damaged, altered, compromised or interfered with in the course of any *building works* for which an Asset Protection Permit has been issued, the *occupier of the land* and the *builder* may be required to pay a bond to *Council*.
- (2) The amount of any bond under Clause 68(1) must be determined by *Council* or the *Authorised Officer* having regard to the probable cost of repairing any damage, alteration, compromise or interference that is likely to be caused.
- (3) Any bond or part of a bond paid to *Council* under Clause 68(1) may be retained by *Council* to meet the cost of repairing any damage, alteration, compromise or interference which an *occupier* or the *builder* has failed to repair in accordance with their obligations under Clause 67.
- (4) *Council* must refund any bond, or part of a bond, paid to it under Clause 68(1) if *Council* or an *Authorised Officer* is satisfied that:



- (a) there has been no damage, alteration, compromise or interference to *Council* assets as a consequence of the *building works*; or
- (b) any such damage, alteration, compromise or interference has been repaired in accordance with Clause 67.

## 69. Site Identification

- (1) An *occupier of land* and the *builder* must, prior to the commencement of any *works*, erect and maintain in a conspicuous position accessible to the public and close to the main entrance to the *building site* site identification which:
  - (a) is at least 600 millimetres in height and 400 millimetres in width;
  - (b) is clearly visible and legible from the *road*;
  - (c) contains the lot number, as described on the Certificate of Title relevant to the *land*;
  - (d) identifies the name, registration number, telephone contact number and postal address of the *builder*;
  - (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 permit.
- (2) The site identification described in Clause 69(1) must continue to be displayed and remain visible and legible for the duration of the *building works*.

## 70. Stormwater Protection

An *occupier of land* and the *builder* must ensure that the *building site* is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal waste or gross pollutants or other associated builder's refuse. 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 abutting *road* and/or adjoining *land* or washed into the stormwater system by installing silt barriers;

- (b) prevent building cleanup, wash down or other wastes and builder's refuse being discharged offsite or allowed to enter the stormwater system;
- (c) ensure all *vehicles* delivering materials to the *building site* are prevented from depositing mud, sand, soil, or stones onto Council's road network;
- (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;
- (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; and
- (f) ensure that the *building site* is managed and controlled in accordance with the principles of relevant best practice guidelines as issued from time to time by the Environmental Protection Authority, Melbourne Water, Gippsland Water or any other relevant organisation that may come into operation.

## 71. Dust

An *occupier of land* and the *builder* must ensure that the *building site* is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents through reduced visibility, reduced air quality and the effects of deposition of dust generated from the *building site*.

## 72. Sanitary Facilities

- (1) An *occupier of land* and the *builder* must ensure that prior to the commencement of any *building works* and for the duration of the *building works*, a sewerer toilet or a chemical portable toilet (closed) system is provided and serviced as required and is available for the use of the persons on that *building site* to the satisfaction of an *Authorised Officer*.
- (2) Notwithstanding Clause 72(1), where adjacent *building sites* are under the control of the same *occupier* or *builder*, one sewerer toilet or a chemical portable toilet may be provided for use by multiple *building sites*, provided that no more than three (3) adjacent *building sites* rely on that toilet.
- (3) An *occupier of land* and the *builder* must ensure that the sanitary facilities:
  - (a) are not installed or erected outside the boundaries of the *building*

- site* without the written consent of *Council* or an *Authorised Officer*,  
and
  - (b) are not installed or erected in a location where they are offensive or cause a nuisance.
- (4) An *occupier* of *land* and the *builder* must advise *Council* within seven (7) days of the installation of a sewerer toilet.

### 73. Site Fencing

- (1) An *occupier* of *land* and the *builder* must ensure that:
- (a) all *building works* are undertaken entirely within the *building site*; and
  - (b) materials are not deposited, stored or stockpiled on any part of the *road* without the approval of *Council*.
- (2) An *occupier* of *land* and the *builder* must ensure that prior to the commencement of any *building works* and for the duration of the *building works*, the *building site* is provided with adequate hoarding or site fencing that:
- (a) is not less than 1.5 meters in height;
  - (b) is capable of preventing *litter* from being transported from the *building site* by wind;
  - (c) has not more than one access opening to the *building site* which is located to correspond with the location of the vehicle crossing for the *building site*, and is kept closed at all times when *building works* are not in progress;
  - (d) when erected on the boundary of the *building site's* property line, it does not protrude into or onto any *land* other than the *building site*; and
  - (e) may enclose more than one *building site* where the *occupier* of the *land* or *builder* is responsible for adjoining *building sites*.
- (3) The requirement to provide hoarding or site fencing under Clause 73 may be waived or varied in writing by *Council* or an *Authorised Officer*.

#### 74. Containment and Removal of Refuse

- (1) An *occupier of land* and the *builder*, must prior to the commencement of any *building works*, and for the duration of the *building works*:
  - (a) provide a closed refuse facility suitable for the disposal of builder's refuse which may become wind-blown;
  - (b) place the refuse 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) not place a refuse facility on any *Council land* or *road* without a *permit*;
  - (d) ensure that all builder's refuse which requires containment is placed in the refuse facility;
  - (e) keep the refuse facility closed to prevent wind-blown litter refuse escaping from the refuse facility; and
  - (f) empty the refuse facility whenever full and, if necessary, provide a replacement facility during the emptying process.
- (2) The requirement to provide a refuse facility may be waived at Council's discretion.
- (3) An *occupier of land* and the *builder* must remove and lawfully dispose of all builders' refuse within fourteen (14) days of completion of the *building works*.

#### 75. Site Access and Hours of Operation

- (1) An *occupier of land* and the *builder* must not carry out or cause or allow any *works* to be carried out on the *building site* other than between the hours:
  - (a) 7am and 8pm Monday to Friday; and
  - (b) 9am and 8pm on any Saturday, Sunday or public holiday.
- (2) An *occupier of land* and the *builder* must not cause or allow:
  - (a) any movement of *vehicles* or site preparation works before 7am Monday to Friday and 9am on Saturday, Sunday or a public holiday;
  - (b) any unloading of equipment or deliveries to the *building site* or idling of *vehicles* before 7am Monday to Friday and 9am on Saturday, Sunday or a public holiday; and

- (c) loud talking or the use of radios on the *building site* before 7am Monday to Friday and 9am on Saturday, Sunday or a public holiday.

#### **76. Building Work Creating a Nuisance**

An *occupier of land* and the *builder* must not carry out any *building works* or cause or allow to be carried out any *building works* as to create a nuisance to another *person*.

#### **77. Direction to Cease Building Works**

- (1) An *Authorised Officer* may inspect a *building site* at any reasonable time and may direct any *person* found carrying out *building works* in contravention of this Local Law or a *permit* issued under this Local Law, to cease carrying out the *building works* immediately or within any period the *Authorised Officer* considers reasonable.
- (2) A *person* to whom a direction is given under Clause 77(1) must comply with that direction.

## PART 7

### ASSET PROTECTION

#### DIVISION 2 – COUNCIL LAND & ROADS

##### 78. Works on Council Land or Roads

- (1) A *person*, other than a *utility*, must not, without a *permit*, undertake *works* in, on, under or over a *road* or *Council land* or allow another *person* to do so.
- (2) In granting a *permit* under Clause 78(1), *Council* may require the *person* who undertakes the *works* in, on, under or over the *road* or *Council land* to:
  - (a) pay a bond proportionate to the estimated cost of repairing any damage to the *road* or *Council land*; and/or
  - (b) take such precautions during and before the *works* to protect the safety of the public as *Council* may require and to *Council's* satisfaction.
- (3) The bond may be held for the duration of the *works* plus a maintenance period of twelve (12) months and must be refunded at the end of this period or applied by *Council* to offset the cost of repairing the damage.

##### 79. Vehicle Crossings

- (1) An *occupier* of *land* must ensure that each point of vehicular access from a *road* to the *land* has an appropriately constructed vehicle crossing, which is suitable for the adjacent *land* use, approved by an *Authorised Officer*.
- (2) An *occupier* of *land* must not access or allow any *person* to access the *land* by *vehicle* other than over a *Council* approved vehicle crossing.
- (3) A *person* must not, without a *permit*, construct, remove or relocate or alter a vehicle crossing.
- (4) *Council* or an *Authorised Officer* may by notice in writing to the *occupier* of *land*, require the construction of a permanent or temporary vehicle crossing to any *land* with the full cost of such construction works to be borne by the *occupier* of the *land*.
- (5) A vehicle crossing must be constructed and sited to the satisfaction of *Council* or an *Authorised Officer*.

- (6) If *Council* or an *Authorised Officer* has required the *occupier* of *land* on which *building works* are to occur to construct a vehicle crossing under Clause 79(4), *building works* must not commence until the vehicle crossing has been constructed.
- (7) *Council* or an *Authorised Officer* may by notice in writing to the *occupier* of *land* require the repair of a vehicle crossing, which is in a state of disrepair, with the full cost of such repair to be borne by the *occupier* of the *land*.
- (8) *Council* or an *Authorised Officer* may by notice in writing to the *occupier* of *land* require the removal of a vehicle crossing and reconstruction of the kerb, channel, drain, culvert and *footpath* if the vehicle crossing is, in the opinion of an *Authorised Officer*, no longer required, with the full cost of such removal to be borne by the *occupier* of the *land*.
- (9) An *occupier* of *land* must, at the occupier's own cost, ensure that the vehicle crossing between the *road* and the boundary of such *land* is maintained and kept in good condition.

## 80. Load Limits on Roads and Bridges

A *person* must not, without a *permit*, drive a *vehicle* on a *road* or bridge when the *vehicle* or axle exceeds the weight indicated on a sign authorised by *Council* or VicRoads pertaining to that *road* and located at the entrance to such *road* or bridge.

## 81. Drainage

- (1) An *occupier* of *land* must ensure that:
  - (a) the *land* is adequately drained to the satisfaction of an *Authorised Officer*,
  - (b) the *land* does not discharge water that is a nuisance to an *occupier* of adjoining *land*,
  - (c) water does not discharge from an air conditioner or other equipment on that *land* onto a *footpath*, and
  - (d) a private stormwater drainage system or on-site stormwater detention system serving a residential, commercial or other property is maintained in a condition that is not:
    - (i) dangerous to health;
    - (ii) unsightly;

- (iii) a nuisance; or
  - (iv) hindering, obstructing, or interfering with the operation of the drain.
- (2) An *occupier of land* must not:
  - (a) without a *permit*, alter the course of an overland flow of water, whether or not there is an easement over the flow path;
  - (b) fail to carry out rectification or maintenance works when directed to do so by an *Authorised Officer*; or
  - (c) carry out works within or fill in drains located in any easement on the *land*, whether the easement is in favour of *Council* or otherwise.
- (3) 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 *Council*, except for the discharge of stormwater.
- (4) A *person* must not damage, obstruct or interfere or cause or allow to cause damage, obstruction or interference with a drain, which is vested in or under the control of *Council*.
- (5) A *person* must not, without a *permit*, tap into any drain, culvert or sewer vested in or under the control of *Council*.

## 82. Occupation of Roads

- (1) A *person* must not, without a *permit* or written consent under section 63(1) of the *Road Management Act 2004*, occupy (whether wholly or partially) a *road* for any works that involve:
  - (a) fencing off part of the *road*;
  - (b) erecting a hoarding, gantry, scaffolding or overhead protective awning;
  - (c) using a mobile crane, hoist, lift, travel tower or similar machinery;
  - (d) making a hole or excavation;
  - (e) filling a hole or excavation;
  - (f) leaving or storing any building, paving or other construction materials or any tools, machinery, plant, or equipment; or



(g) installing or erecting public safety precautions on or over a road alignment.

(2) Clause 82(1) does not apply to the works or activities of a *utility*.

### 83. Interfering with Roads, Council Land, or Infrastructure

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

- (a) destroy, deface, interfere with, or cause damage to a *road* or *Council land* or *Council* infrastructure or asset or allow another *person* to do so; or
- (b) remove any thing from a *road* or *Council land* or allow another person to do so.

### 84. Obstructions on Roads and Council Land

- (1) A *person* must not, without a *permit* allow, place, store or leave any thing on a *road* or *Council land* unless they are permitted to do so under any other Act, regulation, or other Local Law.
- (2) Clause 84(1) does not apply to the works or activities of a *utility*.

### 85. Spoil on Roads

- (1) A *person* must not allow any soil, earth, mud, clay, cement slurry, liquid waste, or other *litter* to fall or escape from a *vehicle* onto a *road* in the course of any trade, industry, or commercial undertaking.
- (2) A *person* must not allow any fuel, grease, oil, mud, clay, cement slurry, paint, detergents, or other *litter* to run from a *vehicle* whilst being cleaned and to be deposited onto a *road*, or into a drain.
- (3) If the *operator* of the *vehicle* cannot be found, the *occupier* of the *land* or the person in charge of the building or works at the *land* where the *vehicle* is likely to have been soiled, is guilty of an offence under Clauses 85(1) or (2).
- (4) An *occupier* of private land must not allow any soil, earth, mud, clay, cement slurry, liquid waste, or other litter to be discharged from that *land* onto a *road* or *Council land*.

## PART 8

### ADMINISTRATION

#### 86. Exercise of Discretion

In exercising any discretion contained in this Local Law, *Council* and an *Authorised Officer* must have regard to:

- (a) the objectives of this Local Law; and
- (b) any other relevant matter.

#### 87. Impounding

- (1) An *Authorised Officer* may seize and impound a thing which has been or is being used or possessed in contravention of this Local Law.
- (2) Where a thing has been impounded under this Local Law, *Council* or an *Authorised Officer* must, if it is practicable to do so, serve notice of the impounding personally or by registered mail on the *person* who appears to be the owner of the impounded thing.
- (3) If the identity or whereabouts of the owner of a thing impounded under this Local Law is unknown, the *Authorised Officer* must take reasonable steps to ascertain the owner's identity or whereabouts prior to exercising their powers under Clause 88.
- (4) An impounded thing must be surrendered to –
  - (a) its owner; or
  - (b) a *person* acting on behalf of its owner who provides evidence to the satisfaction of an *Authorised Officer* of their authority from the owner and –
    - on:
      - (i) evidence to the satisfaction of the *Authorised Officer* being provided of the owner's right to the thing; and
      - (ii) payment of any fee and reasonable costs of impounding determined by *Council* or an *Authorised Officer*.
- (5) Clause 87(4) does not apply where the impounded thing cannot be kept or possessed in accordance with this Local Law.

## 88. Disposal

- (1) An *Authorised Officer* may sell, destroy, dispose of, or give away any thing impounded under the provisions of this Local Law if:
  - (a) the impounded thing has not been surrendered to the owner or a *person* acting on the owner's behalf within fourteen (14) days of service of the notice of impounding;
  - (b) the owner of the thing or a *person* acting on the owner's behalf has not paid the fee and reasonable costs of impounding determined by *Council* or an *Authorised Officer* within fourteen (14) days of service of the notice of impounding; or
  - (c) no notice of impounding has been able to be served on the owner of the impounded thing.
- (2) If the impounded thing is perishable and will not survive the period specified in Clause 88(1), the *Authorised Officer* may dispose of the thing sooner.
- (3) *Council* is entitled to retain the proceeds of sale of any impounded thing towards its reasonable costs incurred in impounding, keeping, and selling the thing.

## 89. Permits - General

- (1) An application for a *permit* under this Local Law must be:
  - (a) submitted in a form approved by *Council* or an *Authorised Officer*, and
  - (b) accompanied by the fee prescribed by *Council*, unless waived by *Council* or an *Authorised Officer*.
- (2) *Council* or an *Authorised Officer* may require an applicant for a *permit* to supply more information before *Council* or the *Authorised Officer* deals with the *permit* application, or to give notice of the application in a manner specified from time to time by *Council* or an *Authorised Officer*.
- (3) *Council* or an *Authorised Officer* may in their absolute discretion decide:
  - (a) to grant a *permit* with or without conditions; or
  - (b) to refuse a *permit*.

- (4) *Council* or an *Authorised Officer* may cancel a *permit* if:
  - (a) there has been a serious or ongoing breach of the conditions of the *permit*;
  - (b) a Notice to Comply has been issued, but not complied with within seven (7) days after the time specified in the Notice to Comply;
  - (c) there was a material error or misrepresentation in the application for the *permit*;
  - (d) there has been a material error in relation to the grant of the *permit*;
  - or
  - (e) there has been a material change of circumstances since the grant of the *permit*.
- (5) *Council* or an *Authorised Officer* may correct a *permit* if that *permit* contains:
  - (a) an unintentional error or an omission; or
  - (b) a material miscalculation of figures or a material mistake in the description of a *person*, thing, or property referred to in the *permit*.
- (6) *Council* or an *Authorised Officer* may, during the currency of a *permit* alter the conditions of the *permit* if it considers it appropriate to do so.
- (7) Before cancelling or correcting a *permit* or altering the conditions of a *permit* under Clauses 89(4) to (6), *Council* or an *Authorised Officer* must provide the *permit* holder an opportunity to make written submissions on the proposed cancellation, correction or alteration.
- (8) *Council* may exempt a *person* or class of persons from the requirement to obtain a *permit* under this Local Law.
- (9) Except where expressly stated in this Local Law or in a *permit*, a *permit* expires one (1) year after the date it was granted.
- (10) *Council* must keep a register of *permits* and any correction or cancellation of a *permit* must be noted in this register.
- (11) The holder of a *permit* granted under this Local Law must comply with all *permit* conditions and any requirements in a *Council policy* applicable to that *permit*.

- (12) A *person* must not make a false representation or declaration, or intentionally omit material information in an application for a *permit* or *permit* exemption.

#### 90. Parking Permits

- (1) A *person* who has been allocated a *parking permit* must not sell, hire out, lease, license or lend to another *person* or offer to sell, hire out, lease, license or lend that *parking permit* to any other *person* (other than to lend a visitors parking permit for use by a legitimate *visitor*).
- (2) A *person* must not purchase, hire, lease, license or receive, or offer to purchase, hire, lease, license or receive a *parking permit* from a *person* who has been allocated a *parking permit*.
- (3) A *person* must not—
  - (a) forge or counterfeit a *parking permit*; or
  - (b) use a forged or counterfeit *parking permit*.
- (4) A *person* must not contravene the conditions of a *parking permit*.

## PART 9

### ENFORCEMENT

#### 91. Notice to Comply and Verbal Direction

- (1) An *Authorised Officer*, who reasonably believes that a *person* has contravened any provision of this Local Law, may give a verbal direction to, or serve a Notice to Comply or both on a *person* to do a thing or carry out work to remedy the thing, which constitutes the contravention.
- (2) A verbal direction given or a Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be done, or the work carried out.
- (3) The time required by a verbal direction given or Notice to Comply served under this Local Law must be reasonable in the circumstances, having regard to:
  - (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.
- (4) If a *person* who was given a verbal direction or served with a Notice to Comply, fails to carry out any work or remedy anything stipulated in the verbal direction or Notice to Comply, *Council* or the *Authorised Officer* may approve the carrying out of the work or the remedying of the thing by another *person* or carry out the work itself and recover the cost of performing the work or remedying the thing from the *person* who failed to carry out the work or remedy the thing.
- (5) A *person* may make representations, within fourteen (14) days after being given a verbal direction or served with a Notice to Comply, to *Council* or the *Authorised Officer* about matters contained in the verbal direction or Notice to Comply, but nothing in this right or the exercise of this right relieves the *person* from complying with the verbal direction or Notice to Comply unless the *Authorised Officer* who issued the verbal direction or Notice to Comply otherwise directs.

- (6) A *person* to whom a verbal direction or Notice to Comply is issued under Clause 91(1) must comply with the verbal direction or Notice to Comply.

## 92. Power to Act in Urgent Circumstances

- (1) *Council* or an *Authorised Officer* may, where a contravention of this Local Law occurs or unless restrained is likely to occur or reoccur, 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; and
- (b) the *Chief Executive Officer* of the *Council* or their delegate, not being the Council Officer administering this clause, approves of the proposed action; and
- (c) details of the circumstances and of the remedial action taken are as soon as practicable forwarded to the *person* or persons who have contravened or are likely to contravene this Local Law.
- (2) Action taken by *Council* or an *Authorised Officer* under this clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger.
- (3) Where *Council* undertakes work in accordance with this clause, it may recover the cost of performing the work from the *person* who has contravened or who is likely to contravene this Local Law.

## 93. Offences and Penalties

A *person* who:

- (a) contravenes or fails to comply with any provision under this Local Law;
- (b) contravenes or fails to comply with any condition contained in a *permit* issued under this Local Law or any requirements in the *Council policy* applicable to that *permit*; or

- (c) contravenes or fails to comply with a verbal direction or Notice to Comply by the date specified in the verbal direction or Notice to Comply is guilty of an offence and is liable to a penalty of:
- (i) twenty (20) *penalty units*; and
  - (ii) a further penalty of one (1) *penalty unit* for each day during which the contravention continues.

#### 94. Offences by Corporations

- (1) If a *person* charged with an offence against this Local Law is a *corporation*, any *person* who is concerned or takes part in the management of that *corporation* may be charged with the same offence.
- (2) If the *corporation* is found guilty of an offence against this Local Law, a *person* charged with the same offence may also be found guilty of that same offence and is liable to the penalty for that offence, unless that *person* proves that the act or omission constituting the offence took place without their knowledge or consent.

#### 95. Operator Onus Offence

If the *operator* of a *motor vehicle* that is used in the commission of an offence under this Local Law cannot be found the registered owner of that *motor vehicle*, is guilty of that offence.

#### 96. Infringement Notices

- (1) If an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened any provision under this Local Law, the *Authorised Officer* may, as an alternative to a prosecution for an offence, serve on that *person* an *Infringement Notice*.
- (2) The penalties fixed for Infringement Notices are set out in Schedule 1.



**SCHEDULE 1**  
**PENALTIES FOR INFRINGEMENT NOTICES**

Clause	Topic	Penalty Unit
	<b>Part 2 – Animals</b>	
9(2) & 9(3)	Permitted quantity of animals	2
10	Responsible ownership of dogs and cats	2
11(1) & 11(2)	Keeping of animals	2
12(1) & 12(2) & 12(3)	Animal excrement	1
13	Animal noise	2
14(1) & 14(2)	Droving and grazing of livestock	2
15(1)	Horses on reserves	1
16(2)	Feeding of animals	1
17(1) & 17(2)	Wasps and bees	1
	<b>Part 3 – Your Property</b>	
18(1) & 18(3)	Unightly land	3
19(1)	Dilapidated buildings	3
20(1) & 20(3) & 20(4)	Dangerous land	5
21	Overhanging obstructions or vegetation	3
22	Tree protection on private land	5
23	Shipping containers on private land	2
24(1)	Vehicles on private land	2
25	Camping and caravans on private land	2
26	Property numbers	1
27	Audible intruder alarm	1
28(1) & 28(2)	Recreational vehicles	3
	<b>Part 4 – Open Air Burning</b>	
29	Restrictions on burning in the open air	5
30	Restrictions on burning in the open air – primary producers	5
31(1)	Restrictions on burning in the open air - Walhalla	5
32(1) & 32(2) & 32(3)	Nuisance burning and incinerators	5
33(1) & 33(2)	General provisions – open air burning	5

34	Direction to extinguish fires	5
35	Restrictions on burning in the open air – public places and Council land	5
	<b>Part 5 – Waste Management</b>	
36(2) & 36(3) & 36(4)	Domestic waste	2
37	Waste collection	2
38	Trade waste	3
39	Bulk rubbish containers	3
	<b>Part 6 – Council Land, Roads and Public Places Division 1 – Behaviour</b>	
40	Behaviour on roads and Council land	2
41(2) & 41(3) & 41(4)	Access to a municipal place	2
42(1) & 42(3) & 42(4)	Tree and vegetation protection on Council land	5
43(3) & 43(5)	Smoking in a smoke free area	2
44(1) & 44(3)	Smoking on Council land	2
45(1) & 45(4)	Consumption and possession of liquor	3
46	Council sign	2
47	Activities in or on a reserve	2
48(1) & 48(4) & 48(5)	Camping on a road or Council land	2
	<b>Part 6 – Council Land, Roads and Public Places Division 2 – Vehicles</b>	
49	Repair of vehicles	2
50	Display of vehicles	2
51	Storage of vehicles on Council land	2
52(1)	Abandoned, derelict and unregistered vehicles	2
53	Toy vehicles and bicycles	1
54	Recreational vehicles in a public place	3
55	Behaviour involving motor vehicles	3
	<b>Part 6 – Council Land, Roads and Public Places Division 3 – Businesses</b>	
56	Shipping containers	2
57(1) & 57(3)	Signage	2

& 57(4)		
58(1) & 58(2)	Street furniture and display of goods	2
59	Trading activities	2
60	Street collection and distribution	1
61	Spruiking	1
62	Busking, fundraising and community awareness	1
63	Filming	2
64	Circuses, carnivals, festivals and events	3
65	Charity bins	2
66(1) & 66(2) & 66(3) & 66(5)	Shopping trolleys	2
	<b>Part 7 – Asset Protection</b> <b>Division 1 – Asset Protection Permits &amp; Building Sites</b>	
67(1) & 67(2) & 67(3) & 67(6)	Asset protection permits	5
69	Site identification	5
70	Stormwater protection	5
71	Dust	5
72(1) & 72(3) & 72(4)	Sanitary facilities	5
73(1) & 73(2)	Site fencing	5
74(1) & 74(3)	Containment and removal of refuse	5
75	Site access and hours of operation	5
76	Building work creating a nuisance	5
77(2)	Direction to cease building works	5
	<b>Part 7 – Asset Protection</b> <b>Division 2 – Council land and roads</b>	
78(1)	Works on Council land and roads	5
79(1) & 79(2) & 79(3) & 79(5) & 79(6) & 79(9)	Vehicle crossings	5
80	Load limits on roads and bridges	5
81	Drainage	5

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82(1)	Occupation of roads	5
83	Interfering with roads, Council land or infrastructure	5
84(1)	Obstructions on roads and Council land	5
85(1) & 85(2) & 85(4)	Spoil on roads	5
	<b>Part 8 – Administration</b>	
89(11)	Permits - conditions	3
89(12)	Permits – false information	5
90(1) & 90(2) & 90(3)	Parking permits	5
90(4)	Parking permit conditions	3
	<b>Part 9 – Enforcement</b>	
91(6)	Verbal direction and Notice to Comply	5