

# **City of Greater Dandenong**

## **Local Law No. 2**

### **(General Local Law)**

**Date: --/--/ 2021**

## **Notes on the City of Greater Dandenong Local Law No.2 (Community Amenity)**

1. This document is a consolidation and re-structure of Council's previous:
  - *Greater Dandenong City Council Local Law No.2 of 2011 (Municipal Amenity)*
  - *Greater Dandenong City Council Local Law No.3 of 2011 (Road Management and Asset Protection)*
  - *Greater Dandenong City Council Local Law No.4 of 2011 (Municipal Places)*

# City of Greater Dandenong

## Local Law No. 2 of 2021

### (General Local Law)

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# CITY OF GREATER DANDENONG

## LOCAL LAW NO.2 of 2021 (General Local Law)

### **PART 1 - PRELIMINARY PROVISIONS**

#### **1. Title**

This is the City of Greater Dandenong Local Law No. 2 of 2021 (General Local Law).

#### **2. Purpose**

The purpose of this Local Law is to provide for the safety, order and good governance of the City of Greater Dandenong in a way that is complementary to *Council's* Council Plan by:

- (1) managing the uses and activities on *roads* and *Council land* so that *Council* is aware of uses or activities which may:
  - (a) interfere with the safety and convenience of people travelling on or using *roads* or *land*; and
  - (b) impede free and safe access for people, in particular for those with sight and movement impairment or disabilities; and
  - (c) cause damage to *Council* and community assets; and
  - (d) create a danger or expose others to risk; and
  - (e) be detrimental to the amenity of the area or the enjoyment of facilities on *roads* or *land*;
- (2) managing, regulating and controlling uses and activities which may:
  - (a) be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment; and
  - (b) interfere with a healthy and safe environment in the municipal district for residents, workers and visitors;
- (3) identifying uses and activities where a *permit* is not required but conditions are applicable to the use or activity so that the purposes identified in sub-clauses (1) and (2) are achieved; and
- (4) providing for the administration of *Council's* powers and functions.

#### **3. Authorising Provision**

This Local Law is made under Section 111(1) of the *Local Government Act 1989* and Section 42 of the *Domestic Animals Act 1994*.

#### **4. Commencement, revocation and area of operation**

This Local Law:

- (1) commences on 1 July 2021;
- (2) ceases to operate on 30 June 2031, unless revoked earlier; and
- (3) operates throughout the whole municipal district.

#### **5. Revocation of other Local Laws**

From the date of commencement of this Local Law, the following local laws are revoked:

- (1) *Greater Dandenong City Council General Local Law's No.2 of 2011(Municipal Amenity)*;
- (2) Greater Dandenong City Council General Local Law's No.3 of 2011(Road Management and Asset Protection); and
- (3) *Greater Dandenong City Council General Local Law's No.4 of 2011(Municipal Places)*.

#### **6. Definitions of Words used in this Local Law**

In this Local Law:

- Act* means the *Local Government Act 1989*.
- advertising sign* means any placard, sign, real estate signage/pointer board, notice, poster, mobile billboards, banner or projected image or other similar device, whether portable or affixed or attached to any bicycle or *vehicle*, which is used for the purposes of:
- soliciting sales including:
    - advertising real estate open for inspections or pending sales or auctions;
  - notifying the presence or location of a property where goods or services may be obtained;
  - advertising and seeking support for a candidate in an upcoming political election; or
  - notifying an event or competition, including a political, community or recreational event,
- but does not include an advertising sign which requires and has been granted a permit under the *Planning Scheme*.
- animal* includes every species of four-footed animal and every species of bird (including, without limitation, poultry).
- animal litter device* means a device suitable for the purpose of collecting, removing and disposing of an *animal's* faeces and includes a paper or plastic bag.

<i>appropriate fee</i>	means the fee determined by <i>Council</i> and listed in <i>Council's Annual Budget</i> documents.
<i>Asset Protection Permit</i>	means a written <i>permit</i> issued by <i>Council</i> for the protection of public assets and infrastructure during <i>building works</i> .
<i>authorised officer</i>	means a person appointed pursuant to Section 224 of the <i>Local Government Act 1989</i> as an authorised officer for the purposes of this Local Law.
<i>barbeque</i>	Means any fixed or portable device designed exclusively for meals preparation and fired by gas, electricity or a flammable material.
<i>builder</i>	means: <ul style="list-style-type: none"> <li>• the person who is nominated as the builder in a building permit issued under the <i>Building Act 1993</i> allowing <i>building works</i> to be conducted on a <i>building site</i>; or</li> <li>• the person in charge of any <i>building works</i> being carried out on a <i>building site</i>; and/or</li> <li>• the owner of a <i>building site</i>.</li> </ul>
<i>builder's refuse</i>	includes any solid or liquid domestic or commercial waste, debris or rubbish, and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and other waste material, substance or thing generated by or in connection with <i>building works</i> .
<i>building</i>	includes any structure or building, whether temporary or permanent, or part of such structure or building.
<i>building site</i>	includes any <i>land</i> on which <i>building works</i> are being undertaken.
<i>building works</i>	Includes any work that is involved with: <ul style="list-style-type: none"> <li>• the construction, demolition, renovation or removal of a <i>building</i>, including landscaping and concreting; or</li> <li>• the delivery of machinery, products or materials used or intended to be used in the construction, demolition, renovation or removal of a <i>building</i>; or</li> <li>• excavation, <i>road</i> making, drainage or any other preparatory or ancillary works relating to a <i>building site</i>.</li> </ul>
<i>bulk rubbish container</i>	means a bin, container or other structure designed or used for holding a substantial quantity of rubbish that is unable to be lifted or relocated without mechanical assistance but does not include bins or containers used in connection with the regular collection of domestic, commercial, industrial or trade waste.

<i>busk and busking</i>	means entertainment that involves playing any musical instrument, singing, haranguing, reciting, performing, juggling, dancing or engaging in miming or puppetry, and any like performance for money, gifts or other reward.
<i>camp</i>	means using a tent, caravan, motorhome, <i>vehicle</i> , shipping container, or any other movable or temporary form of accommodation (including sleeping bags or swags).
<i>carriageway</i>	means the portion of the <i>road</i> generally available for traffic by <i>vehicles</i> (whether sealed, formed or unconstructed).
<i>charity bin</i>	includes <i>clothing recycling bin</i> and any other receptacle used to collect donated goods for charities.
<i>Chief Executive Officer</i>	means the Chief Executive Officer of <i>Council</i> .
<i>Civil Works Permit</i>	<p>means the written consent from <i>Council</i> where <i>Council</i> is the coordinating road authority to undertake any activity which digs up or opens any part of a <i>road reserve</i> or <i>Council land</i>.</p> <p>This includes the:</p> <ul style="list-style-type: none"> <li>• digging up;</li> <li>• excavating;</li> <li>• trenching,</li> <li>• core sampling; or</li> <li>• connecting of services such as: <ul style="list-style-type: none"> <li>○ water;</li> <li>○ gas;</li> <li>○ stormwater;</li> <li>○ communication infrastructure; and</li> <li>○ underground power.</li> </ul> </li> </ul> <p>It also includes any works associated with the:</p> <ul style="list-style-type: none"> <li>• reinstatement of: <ul style="list-style-type: none"> <li>○ footpaths;</li> <li>○ nature strips;</li> <li>○ laneways;</li> <li>○ car parks; or</li> <li>○ roadways.</li> </ul> </li> </ul>
<i>clothing recycling bin</i>	means a bin or similar container used for the collection of used clothing.
<i>commercial premises</i>	<p>means premises used:</p> <ul style="list-style-type: none"> <li>• primarily for commercial purposes, including educational purposes; or</li> <li>• as a hostel, rooming house or student dormitory; or</li> <li>• for short-term accommodation or other accommodation, for financial gain.</li> </ul>
<i>construction period</i>	means the period during which <i>building works</i> are carried out.

<i>Council</i>	means Greater Dandenong City Council.
<i>Council assets and public assets</i>	means footpaths, kerb and channel, nature strips, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture, <i>vehicle crossings</i> or other <i>Council</i> property or works forming part of a <i>road</i> or <i>Council land</i> .
<i>Council land</i>	means <i>land, buildings</i> and facilities which are owned or occupied by or vested in <i>Council</i> or in respect of which <i>Council</i> has the care and management and to which the public has access (whether an entry fee is paid or not), and includes a <i>public place</i> and <i>roads</i> and <i>road related areas</i> .
<i>crane</i>	has the same meaning as the <i>Occupational Health and Safety Regulations 2017</i> .
<i>declared road</i>	means a <i>road</i> for which the Department of Transport or Head, Transport for Victoria is the co-ordinating road authority under the <i>Road Management Act 2004</i> .
<i>designate and designated by Council</i>	means designated by <i>Council</i> , or an <i>authorised officer</i> through the exercise of a delegated power or performance of a delegated function, the details of which appear on <i>Council's</i> website.
<i>footpath</i>	means the area between the property boundary and the kerbside of a <i>road</i> that is provided for use by pedestrians, cyclists, people in wheelchairs, or persons pushing a pram or similar.
<i>emergency services worker</i>	means a member of the Country Fire Authority, a member of Fire Rescue Victoria, an Ambulance Victoria paramedic, or any other worker called to the scenes of an emergency or crime and whose role is to minimise risk after an event or to provide assistance to those individuals at the scene of an emergency or crime.
<i>heavy vehicle</i>	has the same meaning as in Rule 200(3) of the <i>Road Safety Road Rules 2017</i> .
<i>Hoon Event</i>	means one or more <i>vehicles</i> being driven in a manner that intentionally or recklessly leads to the <i>vehicle/s</i> : <ul style="list-style-type: none"> <li>• losing traction;</li> <li>• racing;</li> <li>• time trialling; or</li> <li>• emitting undue noise or smoke.</li> </ul>
<i>incorporated document</i>	means any document identified by clause 7 of this Local Law as incorporated into this Local Law.

<i>itinerant trading</i>	<p>means:</p> <ul style="list-style-type: none"> <li>• offering goods or services free of charge;</li> <li>• selling or offering for sale goods or services;</li> <li>• hiring or offering to hire goods or services; or</li> <li>• conducting market research</li> </ul> <p>from a temporary location, from place to place, from a <i>vehicle</i> or by going from door to door.</p>
<i>land</i>	has the same meaning as in the <i>Planning and Environment Act 1987</i> .
<i>local street</i>	means a <i>road</i> which is not a <i>declared road</i> .
<i>minor building works</i>	means <i>building works</i> valued at less than \$5,000 but excludes demolition and removal of <i>buildings</i> and other structures (regardless of value).
<i>penalty unit</i>	means the amount prescribed by Section 110(2) of the <i>Sentencing Act 1991</i> for a local law.
<i>permit</i>	<p>means:</p> <ul style="list-style-type: none"> <li>• a permit issued under this Local Law which authorises a use or activity;</li> <li>• an <i>Asset Protection Permit</i>;</li> <li>• a <i>Civil Works Permit</i>; or</li> <li>• a <i>Vehicle Crossing Permit</i></li> </ul> <p>and, if applicable, may also include a licence or a lease.</p>
<i>place, placed, places, placing and placement</i>	means permitting the relevant object or skip bin to remain on a <i>footpath or road</i> , as well as the actual act of putting the object or skip bin on a <i>footpath or road</i> .
<i>Planning Scheme</i>	means the Greater Dandenong Planning Scheme operating in the municipal district and made under the provisions of the <i>Planning and Environment Act 1987</i> .
<i>planter boxes</i>	means a container made of any material designed to display plants on <i>footpaths</i> or for segregating parts of the <i>footpath</i> (whether containing plants or not).
<i>Police Officer</i>	means a sworn member of the Victoria Police.
<i>public body</i>	means a body established for a public purpose by or under any Act.
<i>public place</i>	has the same meaning as in the <i>Summary Offences Act 1966</i> .
<i>public space event</i>	means an organised sporting, recreational, cultural, commercial, political rallies, protests or social gathering of thirty (30) or more people, including a market, promotional activity or wedding, which is held on a <i>road</i> or <i>Council land</i> .
<i>redundant</i>	means no longer required or of use, whether because of a change in the use of the <i>land</i> in respect of which the <i>vehicle crossing</i> was constructed or otherwise.

<i>refuse facility</i>	means a suitable rubbish receptacle capable of retaining all waste material and <i>builder's refuse</i> within the <i>building site</i> and preventing removal by unauthorised persons or the intervention of wind or water.
<i>registered</i>	means, in respect of a <i>vehicle</i> or <i>trailer</i> , registered by the Department of Transport or Head, Transport for Victoria under the <i>Road Safety Act 1986</i> or by an equivalent registration authority in another State or Territory.
<i>reserve</i>	means any park, garden, reserve or other place of public recreation or resort which is owned or maintained by <i>Council</i> .
<i>residential premises</i>	means premises used primarily for residential purposes.
<i>road</i>	includes: <ul style="list-style-type: none"> <li>• a street;</li> <li>• a right of way;</li> <li>• a laneway;</li> <li>• any <i>land</i> reserved or proclaimed as a street or <i>road</i> under the <i>Crown Land (Reserves) Act 1978</i> or the <i>Land Act 1958</i>;</li> <li>• a road as defined by the <i>Road Management Act 2004</i>;</li> <li>• a passage;</li> <li>• a cul de sac;</li> <li>• a by-pass;</li> <li>• a bridge or ford;</li> <li>• a <i>footpath</i>, bicycle path or nature strip; and</li> <li>• any culvert or kerbing or other <i>land</i> or works forming part of the <i>road</i>.</li> </ul>
<i>road related area</i>	has the same meaning as in rule 13 of the <i>Road Safety Road Rules 2017</i> .
<i>screen</i>	means a covered frame or the like, movable or fixed, serving as a partition between the <i>footpath</i> and the <i>road</i> or segregating parts of the <i>footpath</i> .
<i>security bond</i>	means a payment or guarantee made to <i>Council</i> for the purposes of securing <i>public assets</i> and infrastructure from the cost of reinstating damage caused during <i>building works</i> .
<i>senior officer</i>	means the member of <i>Council</i> staff holding the office or position to which has been delegated a power by the <i>Chief Executive Officer</i> , under the provisions of Section 78(d) of the <i>Act</i> and clause 64 of this Local Law.
<i>standard condition</i>	means any condition identified as a standard condition by <i>Council</i> .

<i>stormwater system</i>	means a system which provides for the conveyance of stormwater run-off, including kerb and channel, open channels, underground pipe systems and natural waterways.
<i>street party</i>	means an organised social gathering of up to 150 people which is held on a <i>road</i> or <i>Council land</i> for the sole purpose of bringing together people in an area or community.
<i>temporary vehicle crossing</i>	means a <i>Council</i> approved crossing, that extends from the boundary of <i>land</i> over any <i>public assets</i> such as <i>footpaths</i> , nature strips, kerbs and channels to the <i>road</i> , and is designed to minimise damage to <i>public assets</i> caused by <i>vehicles</i> and materials entering and leaving the <i>land</i> during the currency of <i>building works</i> .
<i>trailer</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>unregistered</i>	means, in respect of a <i>vehicle</i> or <i>trailer</i> , a vehicle or trailer that is not <i>registered</i> .
<i>vehicle</i>	has the same meaning as ‘motor vehicle’ in the <i>Road Safety Act 1986</i> but does not include a bicycle, motorised scooter or tram.
<i>vehicle crossing</i>	means a concrete slab structure constructed in accordance with <i>Council’s</i> engineering standards which allows or facilitates access from a <i>road</i> to <i>land</i> which abuts that <i>road</i> .

## **7. Incorporation of Documents**

- (1) The document titled “*Footpath Activity Code of Practice*”, as made and amended by *Council* from time to time and published on *Council’s* website, is hereby incorporated into this Local Law.
- (2) The document titled “*Policy – Use of Fireworks*”, as made and amended by *Council* from time to time and published on *Council’s* website, is hereby incorporated into this Local Law.
- (3) The document titled “*Nature Strip Guidelines*”, as made and amended by *Council* from time to time and published on *Council’s* website, is hereby incorporated into this Local Law.

## **8. Interpretation**

- (1) The provisions of the *Interpretation of Legislation Act 1994* are to be applied to assist in the interpretation of this Local Law, and in ensuring the delivery of the objectives of this Local Law.
- (2) Any activity or other matter that requires consent or approval of *Council* under the *Road Management Act 2004* is to be evidenced by way of the grant of a *permit* under this Local Law.
- (3) Introductions to Parts and Notes do not form part of this Local Law. They are provided to assist understanding.

## **PART 2 - ACTIVITIES AND USES REQUIRING A PERMIT**

### **9. Introduction to Part 2.**

In this Part, provision is made for a *permit* or consent (as the case may be) to be obtained from *Council* **before** a person carries out the following uses or activities:

- *placing* footpath objects as specified in clause 11;
- *placing advertising signs* as specified in clause 12;
- *itinerant trading* as specified in clause 13;
- occupation of a *road* as specified in clause 14;
- opening or excavation of a *road or road related areas* as specified in clause 15;
- having a *public space event* as specified in clause 16;
- holding a *street party* as specified in clause 17;
- *busking* as specified in clause 18;
- fundraising and promotional activities and any form of street stall as specified in clause 19;
- placing *bulk rubbish containers* as specified in clause 20;
- connecting into *Council* drains except where exempted by clause 21,
- keeping excess numbers of *animals* as specified in clause 22;
- commencing, carrying out or allowing to be carried out *building works* as specified in clause 23;
- carrying out works where those works may damage *Council assets* as specified in clause 24;
- discharging fireworks as specified in clause 25; and
- keeping or allowing to be kept a heavy vehicle on residential premises as specified in clause 26.

### **DIVISION 1 – MANAGEMENT BY PERMIT**

#### **10. Permits and Offences**

- (1) A person who fails to obtain a *permit* when a *permit* is required under this Local Law is guilty of an offence against this Local Law.

**Penalty: 20 penalty units (unless provided otherwise)**

- (2) In addition to the requirement to obtain a *permit*, a person must comply with:
- (a) any requirements or limitations that this Local Law applies to a use or activity under this Part;
  - (b) any requirement that an *incorporated document* applies to the use or activity authorised by the *permit*; and
  - (c) any conditions placed on the issuing of a *permit*.

**Penalty: 20 penalty units (unless provided otherwise)**

- (3) In deciding whether to grant a *permit* under this Local Law, *Council* may take into consideration whether the proposed use or activity will:
- (a) comply with any related policies of *Council*;
  - (b) cause a danger or hazard to pedestrians, other users or *vehicles*;
  - (c) disturb, annoy or disrupt adjacent property owners or occupiers;
  - (d) be detrimental to the amenity of the area;
  - (e) be done without destruction to vegetation on *roads* or *Council land*;
  - (f) have the potential to cause damage to *Council assets*;
  - (g) require approval or compliance with requirements under any other legislation;
  - (h) require the consent, or should be referred to obtain the opinion, of any other *public authority*;
  - (i) require additional arrangements to be made for wastewater disposal, litter and garbage disposal, lighting and security and *advertising signs*;
  - (j) obstruct a *footpath*; shared user path or cycleway;
  - (k) necessitate the applicant to have insurance against any risk;
  - (l) necessitate a written indemnification of *Council* against liability arising from activities authorised by the *permit*; and
  - (m) require consideration of any other matters relevant to the circumstances of the application.

***DIVISION 2 – EXPANDED REQUIREMENTS, LIMITATIONS AND EXEMPTIONS***

**11. *Footpath Activities***

*Permit requirement*

- (1) A *permit* is required to *place* one or more of the following objects on a *footpath*:
- (a) tables;
  - (b) chairs;
  - (c) umbrellas;
  - (d) screens;
  - (e) *planter boxes*;
  - (f) goods for sale; or

- (g) other equipment ancillary to a business;

*Criteria for grant of permit*

- (2) In deciding whether to grant a *permit* for the *placement* of an object on a *footpath*, *Council* may have regard to:
  - (a) the effect on pedestrian traffic flows, cyclists, or other persons using an active transport mode and their safety;
  - (b) the impact on the appearance of the street and its surroundings;
  - (c) the impact on residential amenity;
  - (d) the duration of the use;
  - (e) the effect on vehicular traffic flows and safety;
  - (f) safety and compatibility with other uses in the street;
  - (g) whether it is complementary to the primary adjoining use;
  - (h) whether it is less intensive than the primary adjoining use;
  - (i) the applicant's previous record of compliance;
  - (j) any relevant policies of *Council*; and
  - (k) any other matter relevant to the application.

*Placement of footpath objects to comply with Code of Practice*

- (3) A person *placing* an object on a *footpath* must comply with the *Footpath Activity Code of Practice*.

*Offence not to comply with Code of Practice*

- (4) A person who fails to comply with the requirements of the *Footpath Activity Code of Practice* is guilty of an offence against this Local Law.

*Sale and consumption of liquor*

- (5) Liquor can be sold or consumed on a *footpath*, providing this condition has been included in the relevant person's *permit*.

**12. Advertising Signs**

*Permit requirement*

- (1) A *permit* is required to place an *advertising sign* on or in a *reserve* or on *Council land*.

### *Advertising Signs Placed on Land That is Not Council Land*

- (2) In order to provide clarity, where an *advertising sign* is proposed to be placed on *land* or fixtures that are not *Council land*, the requirements of the *Planning Scheme* apply, and **not** the provisions of this Local Law.

**Note:** This clause of the local law does not relate to Bill Posting. Bill Posting is a littering offence under the provisions of the *Environment Protection Act 2017*, and *authorised officers* will respond to bill posting under those provisions.

#### *Offence to fail to comply with this clause*

- (3) If an *advertising sign* is *placed* in breach of this clause 12:
- (a) the person who is the owner of the business, event or activity to which the *advertising sign* relates; and
  - (b) the person who has the management and control of premises, property, business, event or activity to which the *advertising sign* relates; and
  - (c) the person who is the promoter of the premises, property, business, event or activity to which the *advertising sign* relates; and
  - (d) the person who is responsible for the *placement*, siting or distribution of the *advertising sign* (including, without limitation, the person who engages another whether as an employee or agent to *place*, site or distribute the *advertising sign*),

is each guilty of an offence against this Local Law, whether or not the person who placed the *advertising sign* is identified or prosecuted.

### **13. Itinerant Trading**

#### *Permit requirement*

- (1) A *permit* is required to engage in *itinerant trading*, from:
- (a) a *vehicle*; or
  - (b) any other temporary method of transport, including a caravan, bicycle, trailer, table, stall or other similar structure or thing;

on a *road related area* or in a *public place* adjacent to a *road* or to sell or offer for sale goods or service to a person on a *road* or in a *public place*.

#### *Exemption from permit requirement*

- (2) The requirement to obtain a *permit* for *itinerant trading* does not apply where a person (including a benevolent or charitable organisation) has written permission from *Council* for the provision of free services at a *designated* location.

## **14. Occupation of Roads**

### *Permit requirement*

- (1) A *permit* is required to occupy (whether wholly or partially) a *road*:
  - (a) for any works that involve/s:
    - (i) fencing off part of the *road*;
    - (ii) erecting a hoarding, scaffolding or overhead protective awning;
    - (iii) using a mobile *crane* or travel tower for any *building works*;
    - (iv) making a hole or excavation;
    - (v) reinstating a hole or excavation; or
    - (vi) leaving or storing any building, paving or other construction materials or any tools, machinery, plant or equipment; or
  - (b) for any other non-road purpose which does not involve a *public space event*.

## **15. Opening or Excavation of Roads and Road Related Areas**

- (1) A *Civil Works Permit* is required to open or excavate (whether wholly or partially) a *road* or *road related area*.

### *Exemption from permit requirement*

- (2) The requirement to obtain a *Civil Works Permit* or permit under sub-clause (1) does not apply to the works of service authorities:
  - (a) in an emergency or urgent circumstance as defined by the *Road Management Act 2004*; or
  - (b) when works are being carried out in accordance with the *Road Management Act 2004*.
- (3) The requirement to obtain a *Civil Works Permit* or permit under sub-clause (1) does not apply to the works of contractors undertaking any works within a *road* or *road related area* for or on behalf of *Council*.
- (4) Nothing in sub-clause (2) or (3) exempts a person from an obligation to notify *Council* of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

### *Additional criteria for grant of a permit*

- (5) In considering whether to grant a *permit* to occupy a *road* under sub-clause (1), in addition to the matters specified in clause 10(3) *Council* must have regard to:
  - (a) the nature and duration of the works;

- (b) the likely hazard that the works may constitute to users of the *road*;
- (c) the impact of the works on the amenity of the adjoining area;
- (d) whether an indemnity/guarantee has been provided to *Council*; and
- (e) any other matter relevant to the circumstances of the application.

## **16. Public Space Events**

### *Permit requirement*

- (1) A *permit* is required to conduct a *public space event* on a *road* or on *Council land*.

### *Application requirements*

- (2) An applicant for a *permit* to hold a *public space event* must provide:
  - (a) details of the event in the format required by *Council*;
  - (b) detailed event operations and management plans;
  - (c) detailed traffic management plans;
  - (d) evidence of support from emergency service providers;
  - (e) proof that approval has been sought for all other regulatory requirements, including (but not limited to) liquor licences, Phonographic Performance Company of Australia Ltd (PPCA) licences and building permits; and
  - (f) a certificate of currency indicating that the applicant has public liability insurance with a cover of at least \$10 million.

### *Conditions on permit for public space event*

- (3) Without limiting *Council's* powers under Part 5 of this Local Law, in granting a *permit* for a *public space event*, *Council* may require:
  - (a) additional applications for *permits* for extended street trading; and
  - (b) additional applications for liquor licences from licensed premises for consideration by *Council*.

### *Notice to affected persons*

- (4) If *Council* grants a *permit* for a *public space event* then, having regard to the type of *public space event* that is to occur, the applicant must if required in writing by an *authorised officer* to do so:
  - (a) provide specific details to affected residents and businesses in writing on the extent of traffic closures and other measures to be taken relating to the *public space event*; and
  - (b) undertake any other notification that *Council* considers relevant to the circumstances or that is required by this Local Law.

*Council may alter parking restrictions*

- (5) If *Council* has granted a *permit* for a *public space event*, *Council* may apply revised parking restrictions for the period of the *public space event*.

**17. Street party**

*Consent to hold a street party*

- (1) A person must not conduct or hold a street a *street party* without *Council's* written consent to hold a *street party*.

*Consent may be subject to conditions*

- (2) In granting consent to hold a *street party*, *Council* may impose any condition it considers appropriate in the circumstances.

*Street parties not to be held on declared roads*

- (3) A *street party* may be held on a *local street* but **must not be** held on a *declared road*.

**18. Busking**

A *permit* is required to *busk* on a *road* or *Council land*.

**19. Fundraising and Street Stalls**

A *permit* is required to engage in:

- (a) a fundraising activity; or  
(b) conduct a street stall,

on a *road* or *Council land*.

**20. Bulk Rubbish Containers (Skip bins)**

*Permit requirement*

- (1) A *permit* is required to *place* a *bulk rubbish container* on a *road* or *Council land*.

*Additional criteria for grant of a permit*

- (2) In considering whether to grant a *permit* for a bulk rubbish container under this clause, in addition to the criteria specified in clause 10(3) *Council* must have regard to:
- (a) whether the *placement* will obstruct the passage of *vehicles* and pedestrians, obscure the view of motorists or present a physical hazard;
- (b) whether the *placement* will contravene any traffic control signs;

- (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on a *carriageway*, so as an approaching motorist can identify the extent and form of the container;
- (d) the need to protect *Council assets*;
- (e) whether the activity is covered by appropriate insurance and the applicant has provided an indemnity/guarantee to *Council*; and
- (f) any other matter relevant to the circumstances of the application.

Offence to place unidentified bulk rubbish container

- (3) A person must not *place* or allow to remain on *Council land* a *bulk rubbish container* which does not prominently display the name and contact details of the person responsible for the *bulk rubbish container*.

**21. Connecting into Council drains**

*Permit requirement*

- (1) Subject to sub-clause (2), a *Civil Works permit* is required to tap into or interfere with any *Council* drain.

*Exemption from permit requirement*

- (2) The requirement to obtain a *Civil Works permit* does not apply where *Council* has certified a plan of subdivision or given its approval for the drain to be tapped under other legislation administered by it.

## 22. Keeping an excess number of animals or roosters

### Permit requirement

- (1) Unless permitted under the *Planning Scheme*, an owner or occupier of *land* must obtain a *permit* to keep or allow to be kept on *land*, any more of each species or group of *animals* than is specified in this clause.

Type of Animal	Property Size 400sqm or less  Maximum numbers allowed.	Property Size More than 401sqm but less than 5000sqm Maximum numbers allowed.	Property Size 5001sqm or more  Maximum numbers allowed.
Birds (including Poultry)	5 (in total combined)	20 (in total combined)	As per any Planning Scheme Requirement
Roosters	NIL	NIL	Allowed
Cats	2	2	4
Dogs	2	2	4
Ferrets, Guinea Pigs, Rabbits or Rodents	3 (in total combined)	8 (in total combined)	As per any Planning Scheme Requirement

### Penalty:10 penalty units

### Further permit required

- (2) A *permit* issued under sub-clause (1) is valid for the *animals* named in the *permit* at the address stated in the *permit*. A new *permit* is required if:
- (a) any additional *animals* are acquired; or
  - (b) the *animals* are moved to a new address within the municipal district.

### Standard Permit conditions

- (3) In addition to any other *permit* conditions required by *Council*, the *standard conditions* for a *permit* allowing an excess number of *animals* to be kept must require:
- (a) the permit holder to comply with any applicable condition or standard imposed by the *Planning Scheme* now or in the future;
  - (b) that poultry or animal housing is located on the property so that the amenity of the area or other premises is not affected by nuisance, noise or odour experienced because of proximity of the poultry or animal housing;
  - (c) the permit holder to only construct or use poultry or animal housing that, in the opinion of an *authorised officer*, has adequate roofing,

drainage, is rat proof and has a floor paved with impervious material;  
and

- (d) all poultry and animal housing to be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

*Period of permit*

- (4) A *permit* for the keeping of excess numbers of *animals* is valid for the life of those *animals* originally permitted.

*Animals to be adequately housed*

- (5) An owner or occupier of *land* must keep *animals* housed on that *land* in a way which:
  - (a) is adequate and appropriate for the type and numbers of *animals* being kept;
  - (b) is not offensive;
  - (c) protects adjoining properties from *animal* noise; and
  - (d) does not adversely impact on the amenity of the area.

**Penalty: 10 penalty units**

*Offence to keep a rooster on land sized 5000 square metres or less*

- (6) An owner or occupier of a block of *land* sized 5000 square metres or less must not keep, allow to be kept or harbour on that block of land any rooster.

**Penalty: 10 penalty units**

**23. *Building Works – Times When Work Is Not Permitted***

*Permit required to work outside of certain hours*

- (1) A *permit* is required to carry out or cause or allow to be carried out any *building works* between the hours of:
  - (a) 6:00 p.m. and 7:00 a.m. Monday to Friday (other than a public holiday); or
  - (b) 6:00 p.m. and 9:00 a.m. on any other day, including a Public Holiday.
- (2) Nothing in this clause applies to *building works* carried out during times allowed in a permit issued under:
  - (a) the *Environment Protection Act 2017*;
  - (b) the *Planning and Environment Act 1987*; or
  - (c) any regulations made under those Acts.

## **24. Asset Protection Permits and Requirements for a Builder**

### *Permit requirement*

- (1) A *builder* requires an *Asset Protection Permit* prior to commencing, carrying out or allowing to be carried out *building works on land*.

### *Council may exempt*

- (2) *Council* may exempt a *builder* from the operation of this clause whether in whole or in part.

### *Conditions on Asset Protection Permit*

- (3) Without limiting *Council's* powers under this Local Law, an *Asset Protection Permit* issued under this clause may be subject to such conditions as *Council* determines including:
  - (a) requirement to maintain a public liability insurance policy with a cover of not less than \$10 million per claim, for the duration of the *building works*;
  - (b) to pay a *security bond* in accordance with the provisions of this Local Law
  - (c) requirement that a copy of the *permit* be available on the *building site* always;
  - (d) that all works and deliveries are carried out in accordance with any relevant and specified Construction Standards that *Council* may have adopted;
  - (e) that no works or deliveries affect access to, or the safe navigation of, a *road* or a *road related area* may be undertaken, unless prior approval is granted by an *authorised officer*;
  - (f) that materials may not be stored on a *road* or a *road related area*, unless prior approval is granted by an *authorised officer*;
  - (g) that, where permission is granted to undertake works or material storage on a *road* or a *road related area*, such area must be restored to a safe, clean and tidy condition to *Council's* satisfaction, by conclusion of the works;
  - (h) that any or all *public assets* or infrastructure damaged as a result of the works or deliveries be repaired, replaced or re-instated within a specified time, in accordance with this Local Law;
  - (i) that *Council* be notified prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
  - (j) that *Council* be notified of any pre-existing asset damage prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
  - (k) that *Council* be notified when works have been completed;

- (l) that a temporary *vehicle crossing* be installed to *Council's* specification before commencement of any *building works* or deliveries;
- (m) that any construction of any permanent *vehicle crossing* be completed within a specified time; and
- (n) a waiver of the requirements for onsite refuse containers.

#### *Expiry period of an Asset Protection Permit*

- (4) Contrary to any expiry date specified for other *permits* issued under this Local Law, an *Asset Protection Permit* expires on the date specified in the *permit*, or if not specified, 12 months after the date of its issue unless *Council* extends or renews it following application to do so by the *builder*.

#### *Permanent or temporary vehicle crossings required*

- (5) On any *land* at which *building works* are being or is to be carried out, vehicular entry to the *land* must only take place across:
  - (a) a permanent *vehicle crossing*; or
  - (b) a *temporary vehicle crossing* authorised by a *Vehicle Crossing Permit* and an *Asset Protection Permit* issued in respect of that *land*.

#### *Council to be notified of certain event*

- (6) Regardless of whether a building permit has been issued, a *builder* proposing to carry out *building works* must:
  - (a) notify *Council* in writing of the proposed *building works* at least seven (7) days before *building works* commence;
  - (b) provide to *Council* written notice of any prior damage to any part of the *road* or *road related area* at least seven (7) days before *building work* commence or the delivery of any equipment or materials to the *land*; and
  - (c) notify *Council* in writing of the completion of the *building works*, other than minor *building works*, within one (1) business day of such completion.

#### *Effect of failing to notify Council*

- (7) If the *builder* fails to give written notice in accordance with sub-clause (6), such failure will be construed as evidence no part of the *road* or *road related area* was damaged prior to the commencement of the *building works*.

#### *Damaged Council Assets to be repaired*

- (8) The *builder* must:
  - (a) repair to *Council's* satisfaction any damaged:
    - (i) *road*;

- (ii) channel;
- (iii) drain;
- (iv) *vehicle crossing*;
- (v) nature strip;
- (vi) street tree; or
- (vii) other asset

vested in *Council* adjacent to the *land* where the *building works* take place, which was not identified in any pre-building inspection report.

- (b) *Council*, at its sole discretion, may accept payment from the *builder* for the likely costs of repairing any such damage, in lieu of the *builder* carrying out the repair.

**Penalty: 20 penalty units**

*Amount of security bonds*

- (9) The value of any *security bond* required under an *Asset Protection Permit* will be proportionate to the likely cost of repairing potential damage to existing assets vested in *Council* and will be set by *Council* as part of its Annual Budget.

*Return or retention of the security bond*

- (10) Upon completion of the *building works*, the amount of the *security bond*:
  - (a) must be refunded to the person who lodged it, provided that:
    - (i) *Council* is satisfied that no damage has been caused to its assets; or
    - (ii) that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction; or that person has paid to *Council* the likely costs of repairing any such damage, in lieu of the *builder* carrying them out.
  - (b) Where damage has been caused and sub-clause (10)(a)(i) does not apply, the *security bond* may be retained by *Council* to offset the costs of carrying out any works in accordance with this Local Law.

*Measures required to manage debris and runoff from building sites*

- (11) Where any *building works* are being carried out on a *building site*, the *builder* must, to the satisfaction of *Council*, adopt measures and manage the site to:
- (a) minimise the risks of stormwater pollution from *builder's refuse*;
  - (b) prevent building clean-up, washdown or other wastes being discharged offsite or allowed to enter the *stormwater system*; and
  - (c) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting *roads* or washed into the *stormwater system*.

**Penalty: 20 penalty units**

*Builders refuse facility requirements*

- (12) Where any *building works* (other than *minor building works*) are being carried out on any *land*, the *builder* carrying out the *building work* on the *building site* must:
- (a) provide a *refuse facility* for the purpose of disposal of *builder's refuse*;
  - (b) place the *refuse facility* on the *land* and keep it in place (except for such periods as are necessary to empty the *refuse facility*) for the *construction period*;
  - (c) not place the *refuse facility* on any *Council land* or *road* without a *permit*; and
  - (d) empty the *refuse facility* whenever full, and, if necessary, provide a replacement *refuse facility* during the emptying process.

**Penalty: 20 penalty units**

- (13) Provided the *refuse facility* referred to in sub-clause (13) contains all *builder's refuse* on the *land* to the satisfaction of *Council*, its size, design and construction will be at the discretion of the *builder*.
- (14) The requirement to provide a *refuse facility* may be waived at *Council's* discretion.

*Builders refuse to be correctly disposed of*

- (15) During *building works*:
- (a) all *builder's refuse* which requires containment must be placed in the *refuse facility* referred to in sub-clause (13);
  - (b) the *builder's refuse* must not be deposited in or on any *land* other than in accordance with sub-clause (13); and
  - (c) the *builder's refuse* must not be deposited in or over any part of the *stormwater system*.

**Penalty: 20 penalty units**

*Builder refuse and refuse facility to be removed at the end of building works*

- (16) On any *building site* where *building works* have been carried out, the *builder* must remove and lawfully dispose of all *builder's refuse*, including the *refuse facility* referred to in sub-clause (13), within seven (7) days of completion of the *construction period* or issue of an occupancy permit, whichever occurs later.

**Penalty: 20 penalty units**

**25. Fireworks**

*Permit requirement*

- (1) A *permit* is required to discharge or cause or allow to be discharged any fireworks.

**Penalty: 10 penalty units**

*Requirement to comply with the Policy – Use of Fireworks*

- (2) Any person discharging or causing or allowing any fireworks to be discharged must comply with the *Policy – Use of Fireworks*.

**Penalty: 10 penalty units**

**Note:** Any person discharging fireworks must also adhere to and comply with all Worksafe requirements.

**26. Heavy Vehicles**

*Permit requirement*

A *permit* is required to keep or allow to be kept a *heavy vehicle* on *residential premises*.

**Penalty: 10 penalty units**

## **PART 3 - CONDITIONAL ACTIVITIES AND USES**

### **27. Introduction to Part 3.**

In this Part, provision is made for a person to observe the requirements of this Local Law applicable to:

- industrial, trade and commercial waste by clause 29;
- *commercial premises* by clause 30;
- domestic waste and recyclable materials by clause 31;
- the location of trees, plants and signs on a property by clause 32;
- the display of property numbers by clause 33;
- *vehicle crossings* by clause 34;
- parking of *vehicles* by clause 35;
- the use of *Council reserves* for organised activities by clause 36;
- the maintenance of stormwater pipes by clause 37; and
- the management of groundwater by clause 38.

### **DIVISION 1 – MANAGING POTENTIAL NUISANCE USES AND ACTIVITIES**

#### **28. Offences**

A person who fails to comply with the requirements applied to any of the uses or activities in this Part is guilty of an offence against this Local Law and liable to the penalty specified.

**Penalty: 20 penalty units (unless provided otherwise)**

#### **29. General Requirements Applying to Industrial, Trade and Commercial Waste**

*Premises to have adequate waste management arrangements*

- (1) The occupier of a property must ensure that any container used for the storage of industrial, trade or commercial waste is:
  - (a) not kept on a *road* or *Council land* and is kept on the property for which the container has been obtained unless *Council* has approved, in writing, an alternative location;
  - (b) constructed of material to prevent leakage, and is water-tight and fly and vermin proof;
  - (c) of a sufficient size to contain all waste generated on the property in between clearances;
  - (d) kept in a clean, sanitary and inoffensive condition; and
  - (e) emptied at least weekly or more regularly if the contents become offensive.

- (2) The occupier of a property must ensure that any area where any container used for the storage of industrial, trade or commercial waste is kept is:
- (a) always maintained in a clean, sanitary and inoffensive condition;
  - (b) adequately screened from adjoining properties; and
  - (c) adequately fenced or otherwise constructed so that access to the public is not possible.

**30. Additional requirements applying to commercial premises**

*Commercial premises not to place, store, or keep items on Council Land.*

- (1) An owner or occupier of *commercial premises* must not allow the use of the premises to detrimentally affect the amenity of the neighbourhood or create a nuisance, by allowing any items, *vehicles*, or equipment associated with or used by the *commercial premises*, or forming part of the *commercial premises' activities*, to be *placed*, stored or kept on any *Council land*.

*Activities not to cause nuisance*

- (2) An owner or occupier of *commercial premises* must not create or allow a nuisance or detrimentally affect the amenity of an area through:
- (a) deliveries and collections of goods or waste;
  - (b) noise emissions; or
  - (c) odour or waste emissions

that are associated with the activities of the *commercial premises*.

**Penalty: 10 penalty units**

**31. Domestic waste and recyclable materials**

*General obligations in respect of waste*

- (1) An owner or occupier of *residential premises* must:
- (a) *place* all domestic waste and recyclable material for collection in bins ready for collection on the days from time to time specified by *Council*;
  - (b) not use *Council* supplied bins for any other purpose except for domestic waste or recyclable material;
  - (c) *place* bins on the verge of the *vehicle crossing* or *road* abutting the premises or other location confirmed in writing by *Council* not earlier than 24 hours before the day of collection;
  - (d) ensure that once the waste has been collected by or on behalf of *Council*, the empty bins are returned to the premises as soon as practicable but within 24 hours from the collection day;

- (e) ensure that any material that may cause a hazard (or a safety risk) is not *placed* in bins provided by *Council* for domestic waste or recycling;
- (f) ensure that, if *Council* has notified occupiers of a green waste or hard garbage collection, the material to be collected (of the type of green waste or hard garbage) is left for collection in accordance with *Council's* instructions;
- (g) ensure that any waste from a *container* that has spilled onto the *road*, nature strip or surrounding area before collection is removed as soon as practicable; and
- (h) ensure that bins are maintained in a clean and tidy manner so that they do not cause a health threat or offence to any person.

**Penalty: 4 penalty units**

*Storage area to be provided and utilised*

- (2) The owner or body corporate of any flats or units must provide a clearly defined storage area for the storage of bins and must ensure every occupier keeps the bin allocated to the flat or unit in that defined storage area.

**Penalty: 4 penalty units**

**NOTE:** If a bin storage area is shown on the plans of an approved planning permit for the applicable development, then the provisions of the *Planning and Environment Act 1987* regarding *Planning Scheme* and permit compliance and enforcement will apply.

*Care and control of waste bins*

- (3) A bin allocated to *residential premises*:
  - (a) is owned by *Council*; and
  - (b) must be kept and remain on the *residential premises* unless it is or has been *placed* out for collection in accordance with this Local Law.

***DIVISION 2 – PUBLIC SAFETY AND THE PROTECTION OF ASSETS***

***32. The location of trees, plants and signs***

*Pedestrian and vehicular traffic not to be obstructed by overhanging branches etc.*

A person must not plant, locate or allow to be located a tree, plant, sign or other similar object in a way that it is obstructing or interfering with pedestrian or vehicular traffic by:

- (1) overhanging any *footpath* or other part of the *road* used by pedestrians to any extent up to a height of 3 metres or so that it gets in the way of pedestrians or is likely to cause injury or damage; or
- (2) extending over any part of the *road* in such a way that it:
  - (a) obstructs the view between *vehicles* at an intersection; or
  - (b) obstructs the view between *vehicles* and pedestrians; or

- (c) obstructs any *Council assets*, including drains; or
- (d) obscures a traffic control item from an approaching *vehicle* or pedestrian; or
- (e) obscures street lighting; or
- (f) constitutes a danger to *vehicles* or pedestrians or compromises the safe and convenient use of the *road*.

**Penalty: 5 penalty units**

### **33. Display of property numbers**

Where *Council* has allocated street numbers to a property the owner or occupier of that property must ensure that the number allocated is clearly displayed by ensuring that it can be clearly read in normal lighting conditions from the *road* immediately adjacent to the front boundary.

**Penalty: 2 penalty units**

### **34. Vehicle crossings**

*Permit requirement*

- (1) A *permit* is required to construct, or cause to be constructed, a *temporary vehicle crossing* or permanent *vehicle crossing*.

**Penalty: 20 penalty units**

*Power to require construction or repair vehicle crossing*

- (2) An *authorised officer* may, when satisfied:
  - (a) that an owner or occupier of any adjacent *land*, is or may in the future be accessing or egressing the *land* via a *vehicle*; or
  - (b) that any future owner or occupier of the *land* may require access or egress to or from the *land* in a *vehicle*,
 by giving notice in writing, require the owner or occupier of any adjacent *land*:
  - (c) to construct a *temporary vehicle crossing* or permanent *vehicle crossing*; or
  - (d) repair or reconstruct an existing *vehicle crossing*.

*Land to be accessed by vehicle crossings*

- (3) A person must not access or egress *land* in a *vehicle* other than via a *Council* approved *vehicle crossing*.

**Penalty: 10 penalty units**

*Power to require removal of vehicle crossing*

- (4) *Council* or an *authorised officer* may, by giving notice in writing, require the owner or occupier of any adjacent *land* that would be, or is accessed or egressed by a *vehicle crossing*, to:

- (a) remove the *vehicle crossing*; and
- (b) reinstate any kerb, drain, *footpath*, nature strip or other part of a *road*,

if, in the opinion of *Council* or an *authorised officer*, the *vehicle crossing*:

- (c) is *redundant*;
  - (d) has been constructed in breach of any provision of this clause or a *permit*;
  - (e) has not been properly maintained; or
  - (f) is in a state of disrepair.
- (5) *Council* or an *authorised officer* may, by giving notice in writing, require the owner or occupier of any adjacent *land* that is accessed (or is capable of being accessed) or egressed (or is capable of being egressed) by means of access other than a *vehicle crossing* to:
- (a) reconstruct the means of access to a standard specified by *Council*; and
  - (b) carry out any related works to the kerb, drain, *footpath*, nature strip or other part of a *road*.

#### *Owner / occupier to comply with notice*

- (6) An owner or occupier of *land* to whom a notice in writing is given under sub-clause (2), (4) or (5) must comply with that notice.

#### **Penalty: 20 penalty units**

- (7) Any work in respect of a *vehicle crossing* must be constructed in accordance with *Council's* Engineering Standards, as published and made available to the public from time to time.

#### **Penalty: 10 penalty units**

### **35. *Parking offences***

#### *Operator onus offences*

- (1) The offences contained in this clause are “operator onus” offences for the purposes of Part 6AA of the *Road Safety Act 1986*.

<b>Note:</b> Readers should refer to Part 6AA of the <i>Road Safety Act 1986</i> for more information about “operator onus” offences.
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#### *Offence to drive or park a vehicle on reserve*

- (2) A *permit* is required to drive a *vehicle* or leave a *vehicle* standing on any *reserve* or *Council land*, but not a *road*.

#### **Penalty: 4 penalty units**

*Council may seek costs to rectify damage*

- (3) Where damage is caused to a *reserve* or *Council land*, or anything in or on a *reserve* or *Council land*, by a person in breach of sub-clause (2), *Council* may institute proceedings to recover the costs incurred by or on behalf of *Council* in rectifying the damage.

*Exemption available to certain classes of persons*

- (4) Sub-clause (2) does not apply:
- (a) to a staff member of *Council* or a *public body* (or other person authorised by *Council* or the *public body* for this purpose), a *Police Officer* or a staff member of an *emergency service* acting in the course of his or her duties, or
  - (b) when a driver is driving a vehicle in that part of a *reserve* or *Council land* designated and constructed as being an area of access or egress to or within the *reserve* or *Council land*, or
  - (c) when a driver leaves standing a vehicle in a designated parking area within a *reserve* or *Council land*.

*Offence to leave unregistered vehicle or trailer in public place*

- (5) A person must not park, or leave standing, an *unregistered vehicle* or *trailer* in a *public place*.

**Penalty: 4 penalty units**

**36. *Use of Council Reserves***

A *permit* is required to use a *reserve* for the purpose of organised training or conducting an organised sporting activity.

**Penalty: 20 penalty units**

**37. *Maintenance of stormwater pipes***

An owner of *land* must not allow a stormwater drain (including the legal point of discharge) servicing the *land* to be in disrepair.

**Penalty: 5 penalty units**

**38. *Ground table water management***

*Prevention of contamination of stormwater systems*

- (1) The owner of any *land* that is developed and on which a groundwater pump and filtration system to pump filtered groundwater into the *stormwater system* operates must, upon being requested by *Council* to do so, provide *Council* with evidence that the pump and filtration system have been serviced within the previous 12 months and are operating in accordance with relevant standards.

*Authorised officer can direct equipment to be serviced*

- (2) An *authorised officer* may direct the owner of *land* to arrange a suitably qualified person to service and test the ground water pump and filtration system, if it has not been serviced within the previous 12 months.

*Owner of land must comply*

- (3) A failure to comply with a request under sub-clause (1) or a direction under sub-clause (2) is an offence.

**Penalty: 10 penalty units**

### **39. Incinerators, fires and open air burning**

*Open air fires / incinerators not to be lit*

- (1) A person must not, without a *permit*:
- (a) light a fire;
  - (b) allow a fire to be lit; or
  - (c) allow a fire to remain alight

in the open air or in an *incinerator* on any *land*.

**Penalty: 10 penalty units**

- (2) When considering to issue a *permit* under sub-clause (1), *Council* may only grant a *permit* to burn within the area designated rural, industrial or commercial under the *Planning Scheme* for the purpose of fuel reduction, regeneration of indigenous plants, eradication of prohibited weeds or diseased plants, or for a purpose required under any other legislation, or as is deemed necessary by *Council*.

*Barbecues excepted*

- (3) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who uses a *barbecue* for the purposes of cooking food.

*Chimenea & Fire Pits excepted*

- (4) Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who lights a fire in a chimenea, fire pit or other appliance constructed for the purposes of heating while it is being used for that purpose.

<p><b>Note:</b> This clause is not intended to adversely affect or impact on the community's use of fire as part of their cultural tradition or religious observance.</p>
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## **PART 4 - ACTIVITIES AND USES NOT PERMITTED**

### **40. Introduction to Part 4.**

This Part contains prohibitions on several activities and uses of *land*. Any person who breaches any provision of the Part is guilty of an offence and liable to the penalty which is indicated.

### **41. Repairing Vehicles on a Road**

A person must not dismantle, paint, carry out maintenance or repair a *vehicle* on a *road* except where it is necessary to enable the *vehicle* to be removed or so that it can be driven away within one hour of receipt of a request by an *authorised officer*.

**Penalty: 20 penalty units**

### **42. Interfering with Council Assets**

(1) A person must not interfere with or use *Council assets* in such a way that:

- (a) damage or detriment could be caused to *Council assets*; or
- (b) any other person could be injured or suffer loss as a result of that interference or use.

**Penalty: 20 penalty units**

*Nature strip plantings and modifications (exempt if guidelines complied with).*

(2) Notwithstanding sub-clause (1), a person may:

- (a) plant vegetation on; or
- (b) otherwise modify the appearance of

the nature strip immediately outside *land* which they own or occupy if such planting or modification:

- (c) complies with the *Nature Strip Guidelines*; or
- (d) is approved by an *authorised officer*.

(3) A person must not plant out or modify a nature strip outside land which they own or occupy in contravention of:

- (a) the *Nature Strip Guidelines*; or
- (b) an *authorised officer's* written instruction.

**Penalty: 10 penalty units**

**43. Damage from Adjoining Properties**

A person must not allow any tree or plant on *land* owned or occupied by him or her to cause damage to or interfere with a *road* or *Council land* or any drain vested in or under the control of *Council*.

**Penalty: 10 penalty units**

**44. Repair Any Damage**

(1) An *authorised officer* may direct a person who has damaged or interfered with *Council assets* contrary to clause 42 or 43 to repair any damage.

(2) A person to whom a direction is given under sub-clause (1) must comply with that direction.

**Penalty: 20 penalty units**

**45. Behaviour on Council Land**

(1) A person must not behave on *Council land*:

(a) in a manner which causes interference with the quiet enjoyment by any other person using or living near the *Council land*;

(b) contrary to any conditions, or signs that contain conditions applying to the use of, or entry to, the *Council land*; or

(c) contrary to any direction by an *authorised officer*.

**Penalty: 10 penalty units**

**46. Camping and Temporary or Provisional Forms of Accommodation**

*Camping prohibited on Council Land or in a Public Place.*

(1) A person must not *camp* on any *Council land* or in any *public place* in a *vehicle*, tent, caravan or any other type of temporary or provisional form of accommodation.

**Penalty: 2 penalty units**

*Use of temporary or provisional accommodation not permitted on land.*

(2) A owner or occupier of *land* must not allow or permit another person or persons, for a period exceeding 28 days in any one calendar year, to inhabit a *vehicle*, tent, caravan or any other type of temporary or provisional form of accommodation, on that *land*, unless the *land* is a licensed caravan park, or that use is permitted under the provisions of the *Planning Scheme*.

**Penalty: 10 penalty units**

**47. Behaviour Involving Vehicles**

(1) A person must not participate in, encourage, or attend a *Hoon Event*.

**Penalty: 10 penalty units**

- (2) The driver of a motor vehicle must not stop or park within 200 metres of a *vehicle* involved in a *Hoon Event*.

**Penalty: 10 penalty units**

#### **48. Consumption of liquor**

##### *Offence to consume or possess liquor in an unsealed container*

- (1) A person must not:

- (a) in or at a *public place*; or
- (b) in or on a *vehicle* which is on or at a *public place*

consume any liquor or have in his or her possession or control any liquor other than liquor in a sealed container.

**Penalty: 10 penalty units**

##### *Exceptions*

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

- (a) taking part in a *public space event* in respect of which *Council* has granted a *permit* for persons to consume liquor or to have in their possession or control any liquor other than liquor in a sealed container; or
- (b) within authorised premises or licensed premises under the *Liquor Control Reform Act 1998* or any subsequent legislation relating to the serving and consumption of liquor.

##### *Authorised officer may issue directions*

- (3) Where an *authorised officer* believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the *authorised officer* may direct the person to seal any container or dispose of or tip out the contents of any unsealed container.

##### *Offence to fail to comply with a direction*

- (4) A person to whom a direction is given under sub-clause (3) must comply with that direction.

**Penalty: 10 penalty units**

#### **49. Dangerous or unsightly land**

- (1) An owner or occupier of *land* must not allow that *land* to be kept in a manner which is dangerous or unsightly.

**Penalty: 20 penalty units**

- (2) In determining whether *land* is dangerous or unsightly, an *authorised officer* may have regard to whether:

- (a) there are any materials or substances on the *land* that are kept in such a way that they may be flammable or explosive;

- (b) the way in which the *land* is kept, or items are stored on the *land* may constitute or contribute to it being a health hazard;
- (c) the condition of the *land*, or any part of it, may promote the presence of vermin and pests;
- (d) the appearance of the *land* is one of neglect and is out of character with other *land* in the vicinity; or
- (e) a combination of any of the above factors renders the *land* to be dangerous or unsightly.

**Penalty: 20 Penalty Units**

**50. Clothing/Charity Recycling Bins**

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

**Penalty: 10 penalty units**

**51. Animal Litter**

*Animal litter to be collected*

- (1) The owner or person for the time being in charge of an *animal* must immediately collect and remove all the excrement left by the *animal* on a *road* or *Council land* or in a *public place*.

**Penalty: 4 penalty units**

*Person in charge of an animal must carry a bag or animal litter device*

- (2) The owner or person for the time being in charge of an *animal* must carry an *animal litter device* in which to place the excrement of the *animal* when with the *animal* on a *road* or *Council land* or in a *public place*.

**Penalty: 4 penalty units**

**52. Shopping Trolleys**

*Shopping Trolley Requirements*

- (1) The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use must ensure that each shopping trolley clearly has displayed information that contains:
  - (a) the name and address of the of the premises or the shopping complex providing the shopping trolley for use;
  - (b) a message to customers about their responsibility to return the shopping trolley to a recognised collection point; and
  - (c) details of how to report an abandoned shopping trolley belonging to the proprietor of the premises, or the management of a shopping complex, which has made the shopping trolley available for use.

**Penalty: 10 penalty units**

*Proprietors and shopping complex management responsibilities regarding shopping trolleys*

- (2) The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use, must
- (a) not allow a shopping trolley to be removed from that premise or complex, or
  - (b) from any carpark area provided by the premise or complex for customer use.

**Penalty: 10 penalty units**

- (3) Notwithstanding the requirements of Sub-Clause (2), the proprietor of any premises, or the manager of a shopping complex, which has made shopping trolleys available for use must collect shopping trolleys ordinarily kept within those premises or complex from:

- (a) *Council land*; or
- (b) any other *land* which is not under the care and control of the owner of the shopping trolley

within 24 hours of being notified to do so by *Council* or an *authorised officer*.

**Penalty: 10 penalty units**

## **PART 5 - ADMINISTRATION AND ENFORCEMENT**

### **53. Introduction to Part 5.**

Part 5 contains provisions setting out how the Local Law will be administered and enforced.

### **DIVISION 1 - PERMITS, FEES AND DELEGATIONS**

#### **54. Applying for a permit**

- (1) A person who wishes to apply for a *permit* may do so by:
  - (a) lodging with *Council* an application that contains any information required by this Local Law; and
  - (b) paying to *Council* the *appropriate fee*.
- (2) An applicant may be requested to provide additional information before an application for a *permit* or for exemption is dealt with.
- (3) *Council* may require a person making an application for a *permit* to give public notice which will entitle any person to make a submission and to be heard.

#### **55. Fees and Charges**

- (1) *Council* may, from time to time, by resolution determine *security bonds*, fees and charges for the purposes of this Local Law.
- (2) In determining any *security bond*, fees and charges *Council* may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) *Council* may waive, reduce or alter a fee or charge with or without conditions.

#### **56. Issue of permits**

Where *Council* receives an application for a *permit*, *Council* may:

- (1) issue a *permit* in the approved form with or without conditions; or
- (2) refuse to issue a *permit*.

#### **57. Duration of permits**

- (1) Subject to a specific clause in this local law, a *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on the *permit*, the *permit* expires on 30 August next after the day on which it is issued.

## 58. **Conditional permits**

### *Power to impose conditions*

- (1) A *permit* may be issued which contains conditions considered to be appropriate in the circumstances including (but not limited to) the following:
  - (a) the payment of a fee or charge;
  - (b) the payment of a *security bond*, other bond or guarantee to *Council* to secure the proper performance of conditions on a *permit* or to rectify any damage caused to *Council assets* as a result of the use or activity allowed by the *permit*;
  - (c) a time limit to be applied specifying the duration, commencement or completion date;
  - (d) that the applicant be insured against the risk and to provide a written indemnification of *Council* against liability arising from the activity or use;
  - (e) the rectification, remedying or restoration of a situation or circumstance;
  - (f) where the applicant is not the owner of the subject property, the consent of the owner; and
  - (g) the granting of some other permit or authorisation.

### *Standard conditions presumptively imposed*

- (2) Unless *Council* decides otherwise, a *permit* must contain the *standard conditions* contained in any relevant *incorporated document*.

### *Conditions to be set out in permit*

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

### *Power to amend conditions*

- (4) An *authorised officer* may, during the currency of a *permit*, amend the conditions of a *permit* if he or she considers it to be appropriate to do so.
- (5) In considering whether it is appropriate to amend the conditions on the permit, an *authorised officer* must have regard to:
  - (a) the purposes for which the conditions were imposed;
  - (b) whether those purposes are adequately achieved by the current conditions;
  - (c) the impact of the proposed amendment on the permit holder and any relevant third parties; and
  - (d) any other relevant matter.

*Process to be followed in amending conditions*

- (6) If an *authorised officer* proposes to amend the conditions on a *permit*, he or she must:
- (a) give the *permit* holder an opportunity to make submissions on whether the amendment should be made; and
  - (b) consider those submissions in deciding whether to amend the *permit*.

**59. Cancellation of permit**

*Power to cancel permits*

- (1) A *senior officer* may cancel a *permit* if they consider that:
- (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 days after the time specified in the Notice to Comply;
  - (c) there was a significant error or misrepresentation in the application for the *permit*; or
  - (d) in the circumstances, the *permit* should be cancelled.

*Process to be followed in cancelling permits*

- (2) If a *senior officer* proposes to cancel a *permit*, they must:
- (a) give the permit holder an opportunity to make submissions on whether the cancellation should occur; and
  - (b) consider those submissions in deciding whether to cancel the *permit*.

**60. Correction of permits**

*Power to make corrections*

- (1) An *authorised officer* may correct a *permit* in relation to:
- (a) an unintentional error or an omission; or
  - (b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.

*Process to be followed in making corrections*

- (2) If an *authorised officer* proposes to correct a *permit*, he or she must:
- (a) give the permit holder an opportunity to make submissions on whether the correction should be made; and
  - (b) consider those submissions in deciding whether to correct the *permit*.

**61. Record of Permits Must be Maintained**

*Council* must maintain a record of *permits* issued and refused, including details of corrections or amendments made to *permits* and the reasons why a *permit* was cancelled.

**62. Exemptions**

- (1) A *senior officer* may by written notice exempt any person or class of persons from the requirement to have a *permit*, either generally or at specified times.
- (2) In considering whether to grant an exemption under this clause, a *senior officer* must have regard to:
  - (a) the reasons for which the exemption is sought;
  - (b) the period for which the exemption is sought;
  - (c) whether it would be reasonable, in all the circumstances, to grant the applicant an exemption to apply for a *permit*;
  - (d) whether the grant of the exemption would be consistent with the purposes of this Local Law;
  - (e) any benefits or detriments that might arise from the grant of the exemption; and
  - (f) any other relevant matter.
- (3) An exemption may be granted subject to conditions.
- (4) A person must comply with the conditions of an exemption.
- (5) An exemption may be amended, cancelled or corrected as if it were a *permit*.

**63. Offences**

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a *permit* or exemption is guilty of an offence.

**Penalty: 10 penalty units**

**64. Delegations**

In accordance with Section 78(c) of the *Act*, the *Chief Executive Officer* is delegated any and all powers specified in the *Local Law*, including the power to delegate a power to the holder of an office, or to a position or member of *Council* staff, in accordance with Section 78(d) of the *Act*.

***DIVISION 2 - ENFORCEMENT***

**65. Compliance with directions**

- (1) A person must comply with any reasonable direction or instruction of an *authorised officer*, a *Police Officer* or an *emergency service worker* when

requested to do so in urgent circumstances or for public safety reasons whether or not the person has a *permit* issued under this Local Law allowing them to do something, conduct an activity, or to occupy *Council Land*.

**Penalty: 10 penalty units**

**66. Power of authorised officer**

An *authorised officer* may, on behalf of *Council*, issue a warning, a Notice to Comply and/or an infringement notice on the person who is breaching the Local Law and commence legal proceedings and may impound items, goods or equipment in accordance with clause 70.

**67. Notices to Comply**

- (1) A Notice to Comply must include enough detail and information, to ensure the person served with the Notice to Comply is aware of:
  - (a) the nature of any breach of the Local Law; and
  - (b) the time and date by which the breach must be remedied.
- (2) The time required by a Notice to Comply must be reasonable in the circumstances having regard to:
  - (a) the amount of work involved; and
  - (b) the degree of difficulty; and
  - (c) the availability of necessary materials or other necessary items; and
  - (d) climatic conditions; and
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant factor.

**68. Failure to comply with a Notice to Comply**

A person who fails to comply with a Notice to Comply served on that person is guilty of an offence.

**Penalty: 20 penalty units**

<p><b>Note:</b> Failure to comply with a Notice to Comply may also result in the revocation of a relevant <i>permit</i> under clause 63.</p>
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**69. Power of authorised officers to act in urgent circumstances**

- (1) In urgent circumstances arising as a result of a failure to comply with this Local Law an *authorised officer* may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if:
  - (a) the *authorised officer* considers the circumstances or situation to be sufficiently urgent and that the time involved, or difficulties

associated with the serving of a notice, may place a person, *animal*, property or thing at risk or in danger; and

- (b) wherever practicable, a *senior officer* is given prior notice of the proposed action; or
- (2) An *authorised officer* may take action to remove, remedy or rectify a situation where a Notice to Comply has been served on a person and that person has not complied with the Notice to Comply if:
- (a) the *authorised officer* considers the circumstances or situation to be sufficiently urgent and the non-compliance with the notice may place a person, *animal*, property or thing at risk or in danger; and
  - (b) wherever practicable, a *senior officer* is given prior notice of the proposed action.
- (3) In deciding whether circumstances are urgent, an *authorised officer* must take into consideration, to the extent relevant:
- (a) whether it is practicable to contact:
    - (i) the person by whose default, permission or sufferance the situation has arisen; or
    - (ii) the owner or the occupier of the premises or property affected; and
  - (b) whether there is an urgent risk or threat to public health, public safety, the environment or *animal* welfare.
- (4) The action taken by an *authorised officer* under sub-clause (1) or (2) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (5) An *authorised officer* who takes action under sub-clause (1) or (2) must ensure that, as soon as practicable:
- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
  - (b) a report of the action taken is submitted to the *Chief Executive Officer* or a *senior officer* to whom the *authorised officer* reports.

#### **70. Power of authorised officers to impound**

- (1) Where a person owning or responsible for items, goods and equipment has ignored a request from an *authorised officer* to remove them, the items, goods and equipment may be removed and impounded.
- (2) If an *authorised officer* has impounded anything in accordance with this Local Law, *Council* may refuse to release it until the *appropriate fee* or charge for its release has been paid to *Council*.
- (3) As soon as it is reasonably practicable to do so, an *authorised officer* must serve a Notice of Impoundment, on the owner or person responsible for the

impounded item setting out the fees and charges payable and time by which the item(s) must be retrieved.

- (4) If, after the time required in a Notice of Impoundment, an impounded item is not retrieved, an *authorised officer* may take action to dispose of the impounded item according to the following principles:
- (a) where the item has no saleable value, it may be disposed of in the most economical way; and
  - (b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a); and
  - (c) where the owner has advised *Council* in writing that *Council* may dispose of the goods because he or she does not intend to retrieve them, *Council* may dispose of them by the method identified in either paragraph (a) or (b).
- (5) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the *authorised officer* must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- (6) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of *Council*, appears to be authorised to receive the money except for the reasonable costs incurred by *Council* in the administration of this Local Law.
- (7) If a person described in sub-clause (6) cannot be identified or located and the money is held by *Council* for 12 months, *Council* must comply with requirements of the *Unclaimed Money Act 2008*.

## **71. Infringement Notices**

- (1) As an alternative to a prosecution, an *authorised officer* may issue an infringement notice to any person committing an offence against this Local Law.
- (2) The fixed penalty in respect of an offence for which an infringement is issued is the amount set out in Schedule 1 or if no amount is set out two (2) *penalty units*.

**NOTE:** An offence against this local law is deemed to be an Infringement Offence in line with the requirements of the *Infringements Act 2006*.

**72. Penalties for continuing offences**

- (1) In accordance with Section 79(1)(b) and (c) of the *Act* a person who after the finding of guilt or conviction by a Court:
- (a) continues to commit the same offence against the Local Law is liable to a penalty not exceeding 2 *penalty units* for each day after the finding of guilt or conviction that the contravention continues; or
  - (b) commits a subsequent offence against the Local Law is liable to a penalty not exceeding 20 *penalty units*.

## Schedule 1 Penalties Fixed for Infringements

Clause	Offence Summary	Penalty Units
10(1)	Failing to obtain a <i>permit</i>	5
10(2)	Failing to comply with the requirements, limitations or conditions of a <i>permit</i> or <i>incorporated document</i>	5
11(1)	Failing to obtain a <i>permit</i> to place an object on the <i>footpath</i>	5
11(4)	Failure to comply with the <i>Footpath Activity Code of Practice</i>	5
12(1)	Failing to obtain a <i>permit</i> to place an <i>advertising sign</i>	5
12(2)	Placing <i>advertising signs</i> contrary to Local Law	5
13(1)	<i>Itinerant trading</i> , whether house to house or otherwise, without a <i>permit</i>	2.5
14(1)	Occupation of a <i>road</i> without a <i>permit</i>	10
15(1)	Open or excavate a <i>road</i> or a <i>road related area</i> without a <i>permit</i>	10
16(1)	Conducting a <i>public space event</i> without a <i>permit</i>	5
17(1)	Conducting or holding a <i>street party</i> without <i>Council's</i> consent	1
16(2)	Failing to comply with any conditions required by <i>Council</i> consent to hold a <i>street party</i>	1
18	<i>Busking</i> without a <i>permit</i> or being in breach of conditions of a <i>permit</i>	1
19	Failing to obtain a <i>permit</i> to conduct a fundraising activity or street stall or being in breach of conditions of a <i>permit</i>	1
20(1)	Failing to obtain a <i>permit</i> to place a <i>bulk rubbish container</i> on a <i>road</i> or <i>Council land</i>	5
21(1)	Failing to obtain a <i>Civil Works Permit</i> to tap into or interfere with a <i>Council</i> drain	10
22(1)	Keeping of excess <i>animals</i> or birds without a <i>permit</i> or failing to comply with conditions or requirements	2
22(5)	Failing to provide adequate housing for <i>animals</i>	2
22(6)	Keeping a rooster or roosters on <i>land</i> sized under 5000m <sup>2</sup> or less	2
23(1)	Conduct <i>building works</i> outside of the permitted hours	2.5

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
24(1)	Failing to obtain an <i>Asset Protection Permit</i>	5
24(8)(a)	Failing to repair to the satisfaction of <i>Council</i> a damaged asset vested in <i>Council</i>	5
24(11)	Failing to manage debris and runoff from a <i>building site</i>	5
24(12)	Failing to provide, correctly place or empty a <i>refuse facility</i> on a <i>building site</i>	5
24(15)	Failing to correctly dispose of <i>builder's refuse</i>	5
24(16)	Failing to remove <i>builders refuse</i> or a <i>refuse facility</i> at the completion of <i>building works</i>	5
25(1)	Discharging fireworks without a permit	2.5
25(2)	Failing to comply with <i>Council's Policy – Use of Fireworks</i> when discharging or allowing or causing fireworks to be discharged	2.5
26	Keeping or allowing to be kept a <i>heavy vehicle</i> on residential land without a <i>permit</i>	2.5
29(1)	Failing to comply with requirements applicable to industrial trade and commercial waste	5
29(2)	Failing to ensure the area where a container used for the storage of industrial, trade or commercial waste is kept clean, appropriately screened and adequately fenced	5
30(1)	Failing to comply with requirements applying to <i>commercial premises</i>	5
30(2)	Creating or allowing nuisance or detrimentally affecting amenity	5
31(1)	Failing to comply with requirements applicable to domestic waste and recyclable materials	1
31(2)	Failing to provide or utilise the required bin storage area	1
32	Failing to comply with requirements applicable to trees, plants and signs	2.5
33	Failing to adequately display property numbers	0.5
34(1)	Failing to obtain a <i>permit</i> to construct a <i>temporary vehicle crossing</i> or permanent <i>vehicle crossing</i>	5
34(3)	Accessing <i>land</i> other than via <i>vehicle crossing</i>	2.5
34(6)	Failing to comply with notice	5

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
34(7)	Failing to perform work in respect of a <i>vehicle crossing</i> to the satisfaction of an <i>authorised officer</i>	5
35(2)	Parking a <i>vehicle</i> or <i>trailer</i> on a <i>reserve</i>	1
35(5)	Parking an <i>unregistered vehicle</i> or <i>trailer</i> in a <i>public place</i>	1
36	Organised training or sporting activity in a <i>reserve</i> without a <i>permit</i>	5
37	Allowing a stormwater drain to be in disrepair	1
38(3)	Failing to comply with a request requiring evidence of the servicing of a groundwater pump and filtration system, or failing to the servicing and testing of a groundwater pump and filtration system	2.5
39(1)	Lighting <i>incinerators</i> and open-air fires	2.5
41	Repairing and maintaining <i>vehicles</i> on a <i>road</i>	5
42(1)	Interfering with <i>Council assets</i>	5
42(3)	Modifying a <i>Council</i> nature strip not in compliance with <i>Council's</i> guidelines or an <i>authorised officer</i> written approval	2
43	Damaging <i>roads</i> or <i>Council land</i> from adjoining property	2
44(2)	Failing to comply with direction to repair damage	5
45(1)(a)	Behaving on <i>Council land</i> contrary to Local Law	1
45(1)(b)	Failing to comply with any conditions or signs that contain conditions that apply to the use of <i>Council land</i>	1
45(1)(c)	Fail to comply with a direction of an <i>authorised officer</i> regarding the use of, or the behaviour displayed by a person on, <i>Council land</i>	1
46(1)	Camping on <i>Council land</i>	0.5
46(2)	Permitting the use of temporary or provisional accommodation on <i>land</i>	2.5
47(1)	Participate in, encourage, or attend a <i>Hoon Event</i> without a lawful excuse	2.5
47(2)	Park or stop a motor vehicle near a <i>Hoon Event</i> without a lawful excuse	2.5
48(1)	Consumption or possession of liquor contrary to Local Law	1
48(4)	Failure to comply with a direction to tip out	1

<b>Clause</b>	<b>Offence Summary</b>	<b>Penalty Units</b>
49(1)	Allowing <i>land</i> to be kept in a dangerous or unsightly manner	5
50	Placing <i>clothing recycling bin</i> on <i>Council land</i> without a <i>permit</i>	5
51(1)	Failing to remove <i>animal</i> excrement	1
51(2)	Failing to carry a receptacle, bag or similar device in which to place <i>animal</i> excrement	1
52(1)	Making a shopping trolley available without meeting specified requirements	2.5
52(2)	Allowing a shopping trolley to leave a premise, complex or land	2.5
52(3)	Failing to comply with the instruction of an <i>authorised officer</i> or <i>Council</i> to remove a shopping trolley within 24 hours	2.5
63	Making false representation or omission of relevant information in application for a <i>permit</i> , <i>Council's</i> consent or an exemption	5
65	Failing to comply with directions of an <i>authorised officer</i> , <i>Police Officer</i> or and emergency services worker when requested to so in urgent circumstances, or for public safety reasons	2.5
68	Failing to comply with a Notice to Comply	5