

Draft

# Community Amenity Local Law 2026

This Local Law was made  
by resolution of Council on **DATE**  
and commenced on **DATE**



---

## ACKNOWLEDGEMENT

Latrobe City Council acknowledges that it operates on the traditional land of the Brayakaulung people of the Gunaikurnai nation and pays respect to their Elders past and present.

# CONTENTS

<b>INCORPORATED BY REFERENCE</b> .....	<b>5</b>
<b>PART 1 - PRELIMINARY</b> .....	<b>6</b>
1. Title.....	6
2. Purpose of the Local Law .....	6
3. Authorising Provisions .....	6
4. Commencement Date.....	6
5. Cessation Date .....	6
6. Revocation.....	6
7. Application of the Local Law .....	7
<b>PART 2 - DEFINITIONS</b> .....	<b>8</b>
8. Definitions.....	8
<b>PART 3: YOUR ANIMALS</b> .....	<b>18</b>
9. Permitted Quantity of Animals .....	18
10. Keeping of Animals .....	19
11. Animal Waste .....	19
12. Droving and Grazing of Livestock .....	20
13. Horses on Reserves.....	20
<b>PART 4: YOUR PROPERTY</b> .....	<b>21</b>
14. Unsightly Land .....	21
15. Dilapidated Buildings.....	21
16. Dangerous Land.....	21
17. Overhanging Obstructions or Vegetation .....	22
18. Property Numbers .....	22
19. Donation Bins on Private Land.....	23
20. Camping on Private Land.....	23
21. Vehicles on Private Land .....	23
22. Vehicle Crossings .....	23
23. Drainage .....	24
<b>PART 5: COUNCIL LAND AND ROADS</b> .....	<b>25</b>
24. Behaviour on Council Land and Roads.....	25
25. Access to a Municipal Place .....	25
26. Obstructions on Council Land and Roads.....	26
27. Tree and Vegetation Protection on Council Land.....	26
28. Nature Strip Planting.....	27
29. Activities in or on a Reserve.....	27

30.	Camping on a Road or Council Land .....	27
31.	Donation Bins.....	27
32.	Occupation of Roads.....	28
33.	Interfering with Roads, Council Land, or Infrastructure .....	28
34.	Council Sign.....	28
<b>PART 6: VEHICLES ON COUNCIL LAND AND ROADS .....</b>		<b>29</b>
35.	Repair of Vehicles .....	29
36.	Display of Vehicles.....	29
37.	Storage of Caravans, Boats or Trailers on Council Land or Roads.....	29
38.	Heavy Vehicles on Council Land or Roads .....	29
39.	Abandoned, Derelict and Unregistered Vehicles.....	29
40.	Toy Vehicles and Bicycles .....	29
41.	Use of Recreational Vehicles in a Public Place.....	30
42.	Spoil on Roads.....	30
43.	Behaviour Involving Motor Vehicles .....	30
<b>PART 7: WASTE .....</b>		<b>31</b>
44.	Household waste.....	31
45.	Hard Waste Collection .....	32
46.	Trade and Commercial Waste.....	32
47.	Bulk Rubbish Containers.....	33
<b>PART 8: FIRE SAFETY.....</b>		<b>34</b>
48.	Restrictions on Burning in the Open Air .....	34
49.	Restrictions on Burning in the Open Air by Primary Producers.....	34
50.	Nuisance Burning and Incinerators .....	34
51.	General Provisions.....	35
52.	Direction to Extinguish Fires .....	36
53.	Restrictions on Burning in the Open Air in Public Places and on Council Land .....	36
<b>PART 9: BUSINESSES AND TRADING .....</b>		<b>37</b>
54.	Signage.....	37
55.	Display of Goods.....	37
56.	Roadside Trading or Performing .....	37
57.	Use of a Municipal Place for Outdoor Eating Facilities.....	37
58.	Street Collection and Distribution.....	37
59.	Spruiking .....	37
60.	Shopping Trolleys .....	38
61.	Commercial Filming .....	38
62.	Circuses, Carnivals, Community Markets, Festivals or Events .....	38

<b>PART 10: SMOKING AND ALCOHOL .....</b>	<b>39</b>
63. Smoking in a Smoke Free Area .....	39
64. Consumption and Possession of Liquor.....	39
<b>PART 11: ADMINISTRATION AND ENFORCEMENT.....</b>	<b>41</b>
<b>Division 1: Administration .....</b>	<b>41</b>
65. Exercise of Discretion .....	41
66. Impounding .....	41
67. Disposal .....	41
68. Permits - General .....	42
69. Setting Fees and Charges .....	43
70. Differential or Structured Fees and Charges.....	43
71. Waiver of Fees and Charges .....	43
<b>Division 2 - Enforcement .....</b>	<b>43</b>
72. Notice to Comply and Verbal Direction .....	43
73. Infringement Notices .....	44
74. Power to Act in Urgent Circumstances.....	44
75. Offences and Penalties .....	45
76. Offences by Corporations .....	45
77. Operator Onus Offence.....	45
<b>SCHEDULE 1: INFRINGEMENT NOTICE PENALTIES.....</b>	<b>46</b>

---

## INCORPORATED BY REFERENCE

The following documents are incorporated by reference into and form part of the Local Law:

- Footpath Trading Guidelines.
- Maintenance of Nature Strips and Roadside Verges Policy 2011.
- Vehicle Crossing Policy.

## PART 1 - PRELIMINARY

### 1. Title

This Local Law is called the “Community Amenity Local Law 2026.”

### 2. Purpose of the Local Law

The purpose of this Local Law is 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 to 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 Provisions

This Local Law is made under section 71 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

### 4. Commencement Date

This Local Law comes into operation on **DATE**.

### 5. Cessation Date

This Local Law ceases to operate on **DATE**, unless revoked earlier by *Council*.

### 6. Revocation

From the commencement of this Local Law, the Community Amenity Local Law No.2 2016 is revoked, save that any notice or approval given, permit issued or matter or thing commenced under the revoked Local Law, is not affected.

## 7. Application of the Local Law

- (1) This Local Law applies and has operation throughout the *municipal district*.
- (2) Nothing in this Local Law prevents any member, officer or employee of:
  - (a) an *emergency service*;
  - (b) a Commonwealth or State Government department;
  - (c) any military or civil-defence force; or
  - (d) the *Council*, including a contractor or agent directly engaged by the *Council* to undertake works or to provide a service -from performing any duties they are lawfully entitled or required to perform, and any *person* acting accordingly is not guilty of any offence under this Local Law.
- (3) This Local Law does not apply where any act or thing is authorised by or under any Act, Rule, Regulation or the *Planning Scheme*.
- (4) *Council* may publish policies, guidelines or protocols to assist applicants and *permit* holders under this Local Law. Unless expressly stated to be an incorporated document under section 76 of the Act, such material is for guidance only, does not form part of this Local Law, and may be taken into account by *Council* or an *Authorised Officer* when deciding an application or imposing *permit* conditions.

## PART 2 - DEFINITIONS

### 8. Definitions

In this Local Law, words which are not defined will adopt their ordinary meaning. Unless the contrary intention appears in this Local Law, the words identified in italics throughout this Local Law have the following meaning:

Words	Meaning
<b>Act</b>	Means the <i>Local Government Act 2020</i> .
<b>Acceptable no smoking sign</b>	Has the same meaning as in the <i>Tobacco Act 1987</i> .
<b>Advertising sign</b>	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: <ol style="list-style-type: none"> <li>(a) provides information about a business, industry, organisation, event or competition;</li> <li>(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</li> <li>(c) promotes a candidate or political party associated with a local, state or federal election.</li> </ol>
<b>Amusement</b>	Means an installation of an item for the purposes of providing amusement to people, including a jumping castle, pony ride, carnival ride or inflatable device.
<b>Animal</b>	Carries the ordinary meaning of animal and includes a bird, dog, cat, pig, cattle, horse, sheep, goat, poultry, fish, rabbit, ferret, a reptile and an insect.
<b>Applicable organisation</b>	Has the same meaning as in the <i>Domestic Animals Act 1994</i> .
<b>Approved waste bin</b>	Means a garbage bin, recycling bin, green waste bin or other designated bin as outlined in the <i>Circular Economy (Waste Reduction and Recycling) Act 2021</i> and Council's <i>Waste Management Policy</i> .
<b>Assistance animal</b>	Has the same meaning as in the <i>Disability Discrimination Act 1992 (Cth)</i> .
<b>Assistance dog</b>	Has the same meaning as in the <i>Equal Opportunity Act 2010</i> .
<b>Authorised Officer</b>	Means any person appointed by Council to be an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> .
<b>Builder</b>	Means a person who has been nominated as the builder on the building permit, or if no such application has been

---

	made, means the person in charge of the building works being carried out, or the person actually conducting the work, and includes the owner of the land on which the work is being carried out.
<b>Building</b>	Includes any structure or building, whether temporary or permanent, or any part of such building or structure.
<b>Building site</b>	Means any land on which building works are being, or are proposed to be, carried out.
<b>Building works</b>	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;</li><li>(b) earthworks such as excavation, digging or boring; or</li><li>(c) delivery and removal of goods or materials used, proposed to be used for or associated with building works.</li></ul>
<b>Bulk rubbish container</b>	Means a bin, skip or other container used for the deposit of waste but excludes an <i>Approved Waste Bin</i> .
<b>Busk</b>	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.
<b>Camp</b>	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.
<b>Chief Executive Officer</b>	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.
<b>Commercial premises</b>	Means premises used primarily for commercial purposes.
<b>Commercial zone</b>	Means a commercial zone in the Latrobe <i>Planning Scheme</i> .
<b>Corporation</b>	Has the same meaning as in the <i>Corporations Act 2001</i> .
<b>Council</b>	Means the Latrobe City Council.
<b>Commercial filming</b>	Has the same meaning as in the <i>Filming Approval Act 2014</i> .
<b>Council land</b>	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.
<b>Designated material</b>	Means any materials, products or substances that are accepted in an approved waste bin, trade waste bin or

	any other waste bin as may be determined by Council and published on Council's website.
<b>Dilapidated</b>	Means in a state of ruin or disrepair due to neglect, and may include broken windows or doors, damaged roof or walls, and any other damage or disrepair to a dwelling.
<b>Donation bin</b>	Means a bin or similar structure used for the collection of donated goods, including used clothing.
<b>Dwelling</b>	Means any building or portion of a building which is used, intended, adapted, or designed for use as a residence.
<b>Electric fence</b>	Has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
<b>Electric scooter</b>	Has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
<b>Emergency service</b>	Means Victoria Police, Fire Rescue Victoria, the Country Fire Authority, Forest Fire Management Victoria, Ambulance Victoria, the State Emergency Service, and any organisation whose primary function is the provision of first aid response and any successor to any of the aforementioned organisations.
<b>Event</b>	Means an organised recreational, cultural, commercial or social event or a gathering of people, and includes a community market, procession, carnival, festival, and street party.
<b>E-waste</b>	Means any waste item that uses a plug, battery or power cord, and includes computers, mobile phones, microwaves, power tools, televisions and light bulbs.
<b>Farm land</b>	Has the same meaning as in the <i>Valuation of Land Act 1960</i> .
<b>Fodder</b>	Means grass or other crops grown for the production of food for grazing <i>animals</i> or <i>livestock</i> either by grazing <i>animals</i> directly on the land, or for the production of hay or silage.
<b>Footpath</b>	Has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
<b>Footpath Trading Guidelines</b>	Means the <i>Footpath Trading Guidelines</i> adopted by Council that may be amended by Council resolution, and which is incorporated in this Local Law.
<b>Guidelines for Events Permits</b>	Means the document of that title published by <i>Council</i> from time to time to assist applicants and permit holders.
<b>Hard waste</b>	Means large and bulky items that cannot be accommodated in an <i>approved waste bin</i> and includes, household furniture, e-waste, washing machines, dishwashers, fridges, mattresses, timber, carpets and scrap metal.
<b>Hazardous substance</b>	Means any solid, liquid, gas or mixture that, by reason of its chemical, physical or biological properties, may pose a

	risk to human health, safety, property or the environment, and includes any substance classified as dangerous goods or otherwise regulated under any applicable law of the State of Victoria or the Commonwealth.
<b>Heavy vehicle</b>	Has the same meaning as in the <i>Heavy Vehicle National Law (Victoria)</i> .  <i><u>Explanatory note</u></i> <i>For the purposes of this Local Law, a heavy vehicle is defined as any vehicle with a gross vehicle mass or aggregate trailer mass exceeding 4.5 tonnes.</i>
<b>Hoon event</b>	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.
<b>Incinerator</b>	Has the same meaning as in the <i>Country Fire Authority Act 1958</i> .  <i><u>Explanatory note:</u></i> <i>For the purposes of this Local Law, incinerator means a structure or device which is used, or may be used, for the destruction or disposal of unwanted materials by burning.</i>
<b>Industrial zone</b>	Means one of the industrial zones in the <i>Latrobe Planning Scheme</i> .
<b>Infringement Notice</b>	Has the same meaning as in the <i>Infringements Act 2006</i> .
<b>In the open air</b>	Has the same meaning as under section 34A of the <i>Country Fire Authority Act 1958</i> .
<b>Land</b>	Includes any Council land or private land in separate or joint ownership or occupation.
<b>Liquor</b>	Has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
<b>Litter</b>	Has the same meaning as in the <i>Environment Protection Act 2017</i> .
<b>Livestock</b>	Has the same meaning as in the <i>Impounding of Livestock Act 1994</i> .
<b>Maintenance of Nature Strips and Roadside Verges Policy</b>	Means the <i>Maintenance of Nature Strips and Roadside Verges Policy</i> adopted by Council on 7 February 2011 that may be amended by Council resolution, and which is incorporated in this Local Law.
<b>Miniaturised motor cycle</b>	Has the same meaning as in the <i>Road Safety Act 1986</i> .
<b>Motor vehicle</b>	Has the same meaning as in the <i>Road Safety Act 1986</i> .

*Explanatory note:*

*The Road Safety Act 1986 defines a ‘motor vehicle’ as meaning –*

*A vehicle that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the vehicle but does not include.*

- (a) *a vehicle intended to be used on a railway or tramway; or*
- (b) *a motorised wheel-chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person; or*
- (c) *a vehicle that is not a motor vehicle by virtue of a declaration under sub-section (2)(b) [of section 3].*

**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.

**Nature Strip**

Means land vested in Council located between a private property boundary of land and the kerb but excludes a footpath and vehicle crossover where one exists.

**Nuisance**

Includes any behaviour or condition which is dangerous to health, offensive or injurious to personal comfort.

**Noxious weeds**

Has the same meaning as in the *Catchment and Land Protection Act 1994*.

**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 under this Local Law.

**Outdoor eating facility**

Means any tables and/or chairs located out of doors at which food or drinks are served and may be consumed.

**Owner**

In relation to a building, means the owner of land on which the building is situated;

In relation to a motor vehicle means -

- (a) The registered owner of the motor vehicle; or
- (b) A person who has possession of the motor vehicle.

*Explanatory note:*

*For the meaning of ‘owner’ in relation to land see section 3(1) of the Local Government Act 2020, which means –*

	<i>The person who is entitled to receive the rack-rent for the land or who, if the land were let at a rack-rent, would be entitled to receive the rent.</i>
<b>Penalty unit</b>	<p>Has the same meaning as in the <i>Sentencing Act 1991</i>.  <u><i>Explanatory note:</i></u>  <i>For the purposes of this Local Law, section 110 of the Sentencing Act 1991 defines ‘penalty units’ to mean –</i>  <i>A number of dollars equal to the product obtained by multiplying the number of penalty units by the amount fixed from time to time by the Treasurer under section 5(3) of the Monetary Units Act 2004.</i></p>
<b>Permit</b>	Means a permit in writing issued by Council for the purpose of the particular provision in this Local Law which the term is used.
<b>Person</b>	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.
<b>Planning Scheme</b>	Means the Latrobe <i>Planning Scheme</i> .
<b>Policy</b>	A policy applied by Council for the purpose of the particular provision in which the term is used.
<b>Power-assisted pedal cycle</b>	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> .
<b>Poultry</b>	Includes ducks, chickens, geese, peacocks, pheasants, turkeys, and guinea fowl.
<b>Premises</b>	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.
<b>Primary producer</b>	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.
<b>Public place</b>	<p>Has the same meaning as in the <i>Summary Offences Act 1966</i>.  <u><i>Explanatory note:</i></u>  <i>The Summary Offences Act 1966 defines public place as follows -</i>  <i>‘public place’ includes and applies to:</i>  <i>(a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private</i></p>

*property;*

- (b) any park garden reserve or other place of public recreation or resort;*
- (c) any railway station platform or carriage;*
- (d) any wharf pier or jetty;*
- (e) any passenger ship or boat plying for hire;*
- (f) any public vehicle plying for hire;*
- (g) any church or chapel open to the public or any other building where divine service is being publicly held;*
- (h) any state school or the land or premises in connexion therewith;*
- (i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;*
- (j) any market;*
- (k) any auction room or mart or place while a sale by auction is there proceeding;*
- (l) any licensed premises or authorised premises within the meaning of the Liquor Control Reform Act 1998;*
- (m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;*
- (n) any place of public resort;*
- (o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or any public place within the meaning of the words 'public place' whether by virtue of this Act or otherwise.*

### **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:

- (a) a motorised wheelchair;
- (b) a power-assisted pedal cycle that meets the legislative requirements;
- (c) an electric scooter that meets the legislative requirements; or
- (d) a caravan, mobile home or camper van.

### **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.

<b>Residential zone</b>	Means one of the residential zones in the <i>Latrobe Planning Scheme</i> .
<b>Retailer</b>	Means a person who sells goods by retail and who provides trolleys to customers.
<b>Road</b>	Has the same meaning as in the <i>Local Government Act 1989</i> .  <i>Explanatory note:</i> <i>In section 3 of the Local Government Act 1989 'road' is defined as follows:</i> <i>'road' includes:</i> <i>(i) a street;</i> <i>(ii) a right of way;</i> <i>(iii) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958;</i> <i>(iv) a passage;</i> <i>(v) a cul-de-sac;</i> <i>(vi) a by-pass;</i> <i>(vii) a bridge or ford;</i> <i>(viii) a footpath, bicycle path or nature strip;</i> <i>(ix) any culvert or kerbing or other land or works forming part of the road.'</i>
<b>Sanitary facilities</b>	means toilets and associated infrastructure for the hygienic collection, treatment and disposal of human waste, and includes any septic system, sewer connection or other approved waste disposal system, maintained to the satisfaction of the Council and in accordance with any applicable legislation.
<b>Sell or sold</b>	Includes to: (a) sell by means of any machine, electronic device, or mechanical device; (b) hire; (c) barter or exchange for sale or hire; (d) offer or expose or display for sale or hire; (e) advertise for sale or hire; (f) keep or have in possession for sale or hire; or (g) agree to, direct, cause or attempt to sell or hire.
<b>Smoke</b>	Has the same meaning as in the <i>Tobacco Act 1987</i> .

<b>Smoke free area</b>	Means any area prescribed by Council to be a smoke free area for the purposes of this Local Law.
<b>Street furniture</b>	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.
<b>Street litter bin</b>	Means a receptacle provided by Council in a <i>public place</i> to receive packaging, papers and other litter arising during the occupation or use of the <i>public place</i> by any person.
<b>Tobacco product</b>	Includes an e-cigarette; and both tobacco product and e-cigarette have the same meaning as in the <i>Tobacco Act 1987</i> .
<b>Toy vehicle</b>	Includes: <ul style="list-style-type: none"> <li>(a) a vehicle designed to be propelled by human power or electrical power and includes a scooter, skateboard, roller skates, roller blades and like toys; and</li> <li>(b) a remote control vehicle.</li> </ul>
<b>Trade waste</b>	Means any waste, refuse, slops, or other matter arising from or generated by any trade, industry, or commercial undertaking.
<b>Trade waste bin</b>	Means a purpose-built container for the deposit of trade or commercial waste.
<b>Trail bike</b>	Means a motorcycle for use on rough terrain.
<b>Tree protection zone</b>	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.
<b>Unreasonable noise</b>	Has the same meaning as in the <i>Environment Protection Act 2017</i> .
<b>Unsightly</b>	When used with respect to land, means land which is, in the opinion of an Authorised Officer, untidy, unkempt or visually offensive, adversely affecting local amenity because of its condition or appearance.
<b>Urban zone</b>	Includes a residential zone, commercial zone and industrial zone.
<b>Use</b>	In relation to a vehicle, means to park, ride or drive.
<b>Utility</b>	Has the same meaning as in the <i>Road Management Act 2004</i> .
<b>Vaping device</b>	Has the same meaning as in section 41P of the <i>Therapeutic Goods Act 1989</i> .

*Explanatory note:*

A 'vaping device' means -

*(a) a device (whether or not filled with a vaping substance) that generates or releases, or is designed or intended to generate or release, using a heating element and by electronic means, an aerosol, vapour or mist for direct inhalation by its user; or*

*(b) a device to which paragraph (a) would apply if the device were not temporarily or permanently inoperable, incomplete, damaged or unfinished.*

**Vaping substance**

Has the same meaning as in section 41P of the *Therapeutic Goods Act 1989*.

*Explanatory note:*

*A 'vaping substance' means -*

*(a)(i) nicotine in solution in any concentration (including in a salt or base form); or*

*(ii) any liquid or other substance for use in, or with, a vaping device; and*

*(b) includes a container (other than a vaping accessory or vaping device), or part of such a container, in which a liquid or other substance referred to in subparagraph (a)(i) or (ii) is present.*

**Vehicle**

Has the same meaning as in the *Road Safety Act 1986*.

**Vehicle Crossing Policy**

Means the *Vehicle Crossing Policy 2026* adopted by Council that may be amended from time to time by Council resolution and which is incorporated in this Local Law.

**Vermin**

Includes rodents, cockroaches, bedbugs, flies, lice, mosquitoes, termites, European wasps, and parasitic worms.

**Works**

Includes:

- (a) building, excavating, digging holes, compacting and landscaping;
- (b) erecting fencing, hoarding and scaffolding;
- (c) using a mobile crane or travel tower or similar;
- (d) constructing, removing, or altering a vehicle crossing; and / or
- (e) installing fences, barriers or other items that restricts access to or movement on a road.

## PART 3: YOUR ANIMALS

### 9. Permitted Quantity of Animals

- (1) This Part does not apply to the keeping of any animals on *farm land* or for other uses permitted under the *Planning Scheme*, including a planning permit issued under that Scheme.
- (2) An *owner* or *occupier* of any *land* 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>1</sup>	Flats, units and townhouses	Land up to 999m <sup>2</sup>	Land which is 1000m <sup>2</sup> to 3999m <sup>2</sup>	Land which is 4000m <sup>2</sup> and greater
Dogs	2	2	2	2
Cats	2	2	2	2
Poultry	0	5	10	30
Rooster	0	0	0	1
Free-flying pigeons (kept by a registered member of a racing club affiliated with the Gippsland Pigeon Federation)	0	0	99	99
Domestic rabbits, guinea pigs, hamsters, ferrets, rats or mice	10	10	10	10
Reptiles	2	2	2	2
Horses, ponies, donkeys or similar	0	0	0	5
Sheep, goats, alpacas or similar	0	0	2	15
Pig	0	0	0	1
Cattle	0	0	0	10

- (3) If the above Table specifies the number is nought (0) for any type of *animal* on that land, the keeping of that type of *animal* on that land is prohibited and a *permit* cannot be granted.
- (4) Notwithstanding sub-clauses (1) and (2), a *person* must not, without a *permit*, keep more than four (4) dogs or four (4) cats on *farm land*.

<sup>1</sup> For the purposes of calculating the maximum number of dogs and cats allowed to be kept on land, the offspring of any dog or cat lawfully kept on the land is not to be counted for twelve 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.

- (5) The *Council* or an *Authorised Officer* may exempt any *person* or class of *persons* from the application of sub-clauses (2), (3) and (4).
- (6) Notwithstanding anything in this Part, 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.<sup>2</sup>

## 10. Keeping of Animals

- (1) An *owner* or *occupier of land* must ensure that any part of the *land* used for keeping an *animal* is:
  - (a) 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*;
  - (b) any structure on the *land* which houses an *animal* is located so the *animal* may not cause a nuisance to any *person*;
  - (c) maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other *person*, including ensuring that:
    - (i) the *land* surrounding the place where the *animal* is kept is free from rubbish or vegetation that could attract or harbour *vermin*;
    - (ii) all *animal* food for consumption kept or stored on the *land* is kept or stored in a *vermin* and fly proof receptacle; and
    - (iii) all *animal* waste is removed from the *land* so as not to be offensive or a nuisance to any other *person*.
- (2) Sub-clause (1)(c)(ii) and (iii) does not apply to private property that is *farm land*.
- (3) Sub-clause (1)(c)(ii) does not apply to *fodder*.

## 11. Animal Waste

- (1) A *person* in charge of an *animal* must not allow any part of the *animal's* waste to remain on any *road*, *Council land* or *public place* and must immediately collect and properly dispose of the waste.
- (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 waste 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 waste from that *animal* at the request of an *Authorised Officer*.
- (4) Sub-clause (1) does not apply to a person in charge of *livestock* outside a *residential zone*, except if *animal* waste is left on a livestock *road* crossing and may, in the opinion of an *Authorised Officer*, cause a genuine risk to public safety.

---

<sup>2</sup> This sub-clause requires that dogs and cats must always be registered in accordance with applicable legislation. It also applies to other assistance animals, which must be registered with a relevant or recognised organisation where required.

- (5) Sub-clauses (2) and (3) do not apply to livestock outside a *residential zone*, except in an area prescribed by Council.

## **12. 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*.

## **13. 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.

## PART 4: YOUR PROPERTY

### 14. Unsightly Land

- (1) An *owner or 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 sub-clause (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 does not have a current building *permit*;
  - (c) unconstrained rubbish, *litter*, waste materials or any stockpiled materials;
  - (d) dead, diseased or dying vegetation;
  - (e) growth of vegetation and undergrowth exceeding a height of 30 centimetres;
  - (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 *owner or occupier* of residential land must not allow any grass or weeds on that *land* to exceed 30 centimetres in height except that which is grown for *fodder*.

### 15. Dilapidated Buildings

- (1) An *owner or occupier of land* must:
  - (a) not allow a *building* on the land to become *dilapidated* or further *dilapidated*;
  - (b) take all reasonable steps to secure any *building* located on the land from unauthorised access; and
  - (c) maintain any *building* located on the *land* in a state of good repair, including undertaking temporary repairs as required to ensure on-site safety and security.
- (2) For the purposes of sub-clause (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, misuse or has become damaged or defaced.

### 16. Dangerous Land

- (1) An *owner or 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;
  - (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) Sub-clause (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 *owner or 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 *owner or occupier*, who installs a 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.

## 17. Overhanging Obstructions or Vegetation

An *owner or occupier of land* must not permit any thing, 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.

## 18. Property Numbers

- (1) An *owner or occupier of land* must not number or display a property number in respect of that *land* unless the number has been allocated to or approved for use by *Council*.
- (2) If *Council* has allocated a property number to the *land* or approved the use of a number for the *land*, the *owner or occupier of the land* must ensure:
  - (a) the *land* is marked with the number allocated to or approved for use by *Council*; and
  - (b) 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*.

## 19. Donation Bins on Private Land

An *owner or occupier of land* must not, or must not allow another *person* to keep, store, place or repair a *donation bin* on that *land* without a *permit*.

## 20. Camping on Private Land

- (1) A *person* may *camp* on *land* for a cumulative period of not more than 28 days in any twelve-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*.
- (2) A *person* must not, without a *permit*, *camp* on *land* in excess of the period prescribed in sub-clause (1) unless permitted under the *Planning Scheme*.

## 21. Vehicles on Private Land

- (1) An *owner or occupier of land* in a *residential zone*, must not, without a *permit*, keep, park, store, 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); or
  - (b) a *heavy vehicle*.
- (2) Sub-clause (1) does not apply to:
  - (a) a *vehicle* that is parked, kept, stored or repaired for less than one hour, or when the driver is picking up or setting down goods;
  - (b) one caravan and one boat being stored on land by the *owner or occupier* of that land; or
  - (c) the keeping, parking, storing or repairing of a *vehicle* permitted under the *Planning Scheme*.

## 22. Vehicle Crossings

- (1) An *owner or occupier of land* must ensure that each point of vehicular access from a *road* to the *land* has a properly constructed vehicle crossing, constructed in accordance with Council's *Vehicle Crossing Policy*.
- (2) A *person* must not, without a *permit*, construct, remove, relocate or alter a vehicle crossing.
- (3) An *owner or occupier of land* must not access or allow any *person* to access the *land* by *vehicle* other than over a *Council* approved vehicle crossing.
- (4) An *owner or occupier of land* must, at the *owner or 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.
- (5) *Council* or an *Authorised Officer* may by notice in writing to the *owner or 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 *owner or occupier* of the *land*.
- (6) *Council* or an *Authorised Officer* may by notice in writing to the *owner or occupier* of *land* require the removal of a vehicle crossing and reconstruction of the kerb,

channel, drain, culvert and/or *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 *owner* or *occupier* of the *land*.

## 23. Drainage

- (1) An *owner* or *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 *owner* or *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 *owner* or *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, interfere with or cause or allow to be caused 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*.

## PART 5: COUNCIL LAND AND ROADS

### 24. Behaviour on Council Land and Roads

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) defecate or urinate on a *road* or *Council land*, except in a toilet or urinal;
- (f) act contrary to any restriction, prohibition or direction contained on a *Council* sign on a *road* or *Council land*;
- (g) 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*;
- (h) damage, destroy, deface, remove or interfere with anything in or on any *building*, including an improvement or other structure of any kind on a *road* or *Council land*;
- (i) organise, conduct or hold a function or *event* on a *road* or *Council land* without the written consent of *Council* or an *Authorised Officer*;
- (j) erect, operate or cause to be erected or operated any *amusement*, without a *permit*, on a *road* or *Council land*;
- (k) obstruct, hinder or interfere with a *Council* staff member in the performance of their duties on a *road* or *Council land*;
- (l) 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
- (m) remain on a *road* or *Council land* after being directed to leave by an *Authorised Officer* or *Council* staff member.

#### Explanatory Note

*Council* acknowledges that there are people in the community who are sleeping rough and acknowledges their rights. This clause is not intended to adversely affect individuals experiencing homelessness.

The Latrobe Homelessness Protocol provides a framework for:

- responding to people who are experiencing or at risk of homelessness;
- the provision of information for people to access housing and support; and
- improving the service coordination the network of homelessness service providers.

### 25. Access to a Municipal Place

- (1) The *Council*, 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*, 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 act contrary to any reasonable direction of an *Authorised Officer* or *Council* staff member given in or on a *municipal place*.

## 26. Obstructions on Council Land and Roads

- (1) A *person* must not, without a *permit*, allow, place, store or leave any thing on a *road* or *Council land*, unless allowed under any other Act or Regulation.
- (2) A *person* must not, without a *permit*, erect a fence on or otherwise occupy a *road* or *Council land*.

### Explanatory Note:

*Sub-clauses (1) and (2) do not apply to the works or activities of a utility.*

## 27. 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 tree or engage, allow, authorise or direct any other *person* to undertake such *works*.
- (2) Sub-clause (1) does not apply to:
- (a) a *person* authorised by *Council* to undertake any such *works*;
  - (b) a *person* acting in accordance with an instruction or direction from an *Authorised Officer*; or
  - (c) a *person* whose actions are authorised by a planning permit issued under the *Planning Scheme*.
- (3) A *person* must not, without a *permit* or the written consent of *Council*, an *Authorised Officer* or a *Council* staff member, plant any vegetation on *Council land*, a *road* or a

*public place* except in accordance with the *Maintenance of Nature Strips and Roadside Verges Policy*.

## 28. Nature Strip Planting

- (1) A *person* must comply with the *Maintenance of Nature Strips and Roadside Verges Policy* when carrying out any of the following activities on a nature strip:
  - (a) landscaping; or
  - (b) planting any vegetation.

## 29. 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) conduct any fitness training or health and wellbeing activity for commercial purposes;
- (d) 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 the *Council*, an *Authorised Officer* or a *Council* staff member; or
- (e) install, or permit to be installed, a gateway on or other means of access to or from a *reserve*.

## 30. Camping on a Road or Council Land

A *person* must not, without a *permit*, *camp* in or on any *Council land* or *road*.

### Explanatory note:

*Council* acknowledges that there are people in the community who are sleeping rough and acknowledges their rights. This clause is not intended to adversely affect individuals experiencing homelessness.

The Latrobe Homelessness Protocol provides a framework for:

- o responding to people who are experiencing or at risk of homelessness;
- o the provision of information for people to access housing and support; and
- o improving the service coordination the network of homelessness service providers.

## 31. Donation Bins

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

- (2) A *person* or holder of a *permit* permitted to place a *donation bin* on a *road*, *Council land* or in a *public place*, must take reasonable steps to prevent items remaining outside the confines of the *donation bin*.

### **32. Occupation of Roads**

- (1) A *person* must not, without a *permit*, occupy (either 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, concrete pump 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) Sub-clause (1) does not apply to the *works* or activities of a *utility*.

*Explanatory note:*

*In accordance with section 63 of the Road Management Act 2004, where Council is the coordinating road authority for the road, the written consent of Council is also required in respect of any works in, on, under or over a road in order to conduct the proposed works.*

### **33. 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*, *Council land*, *Council* infrastructure or a *Council* 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.

### **34. Council Sign**

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

## PART 6: VEHICLES ON COUNCIL LAND AND ROADS

### 35. Repair of Vehicles

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

### 36. Display of Vehicles

- (1) A *person* must not, without a *permit*, display a *vehicle* for sale or hire on a *road* or *Council land* or a *public place*.
- (2) *Council* may grant an exemption from sub-clause (1) to a *person* conducting a business for the sale or hire of *vehicles*.

### 37. Storage of Caravans, Boats or Trailers on Council Land or Roads

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*, including moving that boat, caravan or trailer to a nearby or adjoining area, for a period of 28 days or more in a period of 3 consecutive months.

### 38. Heavy Vehicles on Council Land or Roads

- (1) A *person* must not, without a *permit*, drive or cause to be driven a *heavy vehicle* on a *road* or *Council land* in an area designated by *Council* to be a prohibited or restricted place for the purposes of this clause.
- (2) The *Council* or an *Authorised Officer* may erect, or cause to be erected, signage indicating prohibitions or restrictions on the use of a *road* by *heavy vehicles*.

### 39. 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 in accordance with any applicable legislation.

### 40. Toy Vehicles and Bicycles

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

- (a) use, place, 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 designated by *Council* to be a prohibited place for the purposes of this clause.

#### **41. 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 authorised by signs placed on the *land* by *Council* or is permitted under an Act or Regulation.

#### **42. 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 or gutter.
- (3) If the *operator* of the *vehicle* cannot be found, the *owner* or *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 sub-clauses (1) or (2).
- (4) An *owner* or *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*.

#### **43. Behaviour Involving Motor Vehicles**

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

## PART 7: WASTE

### 44. Household waste

- (1) Household waste material from any *land* must only be placed out for collection on such days and at such times as are prescribed by the *Council* for the collection of that waste.
- (2) The *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 *owner* or *occupier* of *land*, and the *owner* or *occupier* of the *land* must comply with any such determination.
- (3) An *owner* or *occupier* of *land* for which *Council* provides a waste collection service must ensure that:
  - (a) All household waste, such as general rubbish, mixed recyclables, food organics and garden organics are placed in the *approved waste bin*, provided by *Council* in accordance with any standards, policies or guidelines of *Council* applicable to waste services;
  - (b) only *designated material* generated at the *land* are placed in the *approved waste bin*;
  - (c) 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* for the purposes of this clause;
  - (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 *owner* or *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 and kept:
    - (i) in good order; and
    - (ii) in a clean, sanitary, pest 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, pest-free and sanitary condition.
- (4) An *owner* or *occupier* of *land* must not deposit in an *approved waste bin*:
  - (a) anything other than *designated material*;
  - (b) any items which are likely to damage the *approved waste bin* or the collection *vehicle*; or
  - (c) *hazardous substances*.
- (5) An *owner* or *occupier* of *land* 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 sub-clause (4);
  - (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*.
- (6) An *owner* or *occupier* of *land* must store an *approved waste bin*:
- (a) on the *land* to which it has been allocated; or
  - (b) in an area designated by *Council* for the purpose of storing *approved waste bins*.
- (7) An *owner* or *occupier* of any *land* to which *Council* does not provide a household waste collection service must remove any waste from the property and dispose of it into an appropriate receptacle or to a waste disposal facility in a manner that is clean, inoffensive and does not harm the environment, and in compliance with any relevant Environmental Protection Authority guidelines.

#### **45. Hard Waste Collection**

- (1) A *person* must not place, cause or allow to be placed, any thing (other than an *approved waste bin*) on a *nature strip* or other part of a *road*, except for the purposes of a *hard waste* collection service provided by *Council*.
- (2) A *person* must not, without the consent of the *owner* or *occupier* who placed a thing on a *nature strip* or other part of a *road* for the purpose of a *hard waste* collection service, or the consent of *Council* or an *Authorised Officer*, add to any thing left for collection under sub-clause (1).
- (3) A *person* must only place *hard waste* out for collection in accordance with any standards, policies or guidelines of *Council* applicable to waste services or as directed by an *Authorised Officer*.
- (4) A *person* must not place, cause or allow to be placed, *hard waste* for collection on a *nature strip* or other part of a *road* more than 7 days prior to the:
  - (a) booked collection date; or
  - (b) advertised commencement date of a *hard waste* collection for the *land* where the *hard waste* is placed.

#### **46. Trade and Commercial Waste**

- (1) A *person* must only place *trade waste* for collection in accordance with any standards, policies or guidelines of *Council* applicable to waste services.
- (2) A *person* must not, without a *permit*, store or allow to be stored any bin, hopper or *trade waste bin* on *Council land*, a *nature strip* or other part of a *road*.
- (3) *Council* may designate any *Council land* or *road* for the purpose of storing *trade waste bins*.

- (4) *Trade waste* from any *land* must only be collected on such days and at such times as are designated by *Council*.
- (5) The *owner or occupier* of a commercial premises must comply with clauses 44 and 45.
- (6) Notwithstanding clause 44(3)(e), a *person* must not place a *trade waste bin* from a commercial premises out for collection on *Council land* 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.
- (7) A *person* who places a *trade waste bin* on *Council land*, 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*.
- (8) A *person* who has placed a *trade waste bin* on *Council land*, a *nature strip* or other part of a *road*, must repair any damage to the *Council land*, *nature strip* or *road* or any works in the *road*, including a vehicle crossing, that results from placing the *trade waste bin* on the *Council land*, *nature strip* or *road* or emptying it.
- (9) The *owner or occupier* of a commercial premises must: ensure that a *trade waste bin* provided for the storage of trade waste is:
  - (a) constructed of impervious materials, watertight and pest proof;
  - (b) regularly emptied to prevents the contents from becoming offensive;
  - (c) maintained and kept in a clean, sanitary and odour-free condition;
  - (d) adequately constructed, located or secured in such a way as to deny access to the public; and
  - (e) clearly labelled with ownership details.
- (10) A *person* must not place any waste generated at a *commercial premises* into a *street litter bin*.

#### **47. Bulk Rubbish Containers**

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

## PART 8: FIRE SAFETY

*Nothing in this Part 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.*

In this Part “in the open air” has the same meaning as under Section 34A of the *Country Fire Authority Act 1958*.

### 48. 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 land is greater than 1 hectare in size;
- (b) the land is located greater than 500 metres from a *residential zone*;
- (c) the fire is lit or allowed to remain alight for genuine hazard reduction purposes;
- (d) the fire is not within 20 metres of any neighbouring *dwelling*;
- (e) the fire is not within 10 metres of any other structure;
- (f) a pile size of no more than 4 cubic metres of vegetation is burnt at any one time; and
- (g) the fire is lit in accordance with Clause 51 of this Local Law (General Provisions.)

### 49. 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 51 of this Local Law (General Provisions.)

### 50. 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 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) painted, stained or treated timber, including pallets;
  - (k) carcasses or dead animals, unless prescribed by the relevant State Government Department as the only means of disposal; or
  - (l) other noxious or toxic matter.

## 51. 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 area within 3 metres from the outer perimeter of the fire, in all directions, including above, is clear of flammable material;
  - (c) 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;
  - (d) 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;
  - (e) sufficient fire protection equipment, including an adequate water supply, is available to extinguish the fire;
  - (f) the vegetation to be burnt is dead and dry prior to lighting it;

- (g) 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;
  - (h) 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
  - (i) a notification of the burn is registered online at [Burn-off and water-off notifications | triplezero.vic.gov.au](https://www.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 48 and 49 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.

## 52. 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, the Country Fire Authority or Fire Rescue Victoria.

## 53. 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 for which Council is the appointed Committee of Management; or
- (d) any *public place*.

## PART 9: BUSINESSES AND TRADING

### 54. Signage

- (1) A *person* must not, without a *permit* or an appropriate license agreement with Council, place or allow to be placed an *advertising sign* on a *road* or *Council land*.
- (2) Sub-clause (1) does not apply to moveable *advertising signs* that are placed for the purpose of real estate open for inspections or auctions, no more than 1 hour before and removed no more than one 1 hour after a real estate open for inspection or auction.

### 55. Display of Goods

- (1) A *person* must not, without a *permit* or an appropriate license agreement with Council, place or display, or allow another *person* to place or display, any goods on a *road* or *Council land*.
- (2) A *person* must, in addition to subclause (1), comply with any *permit* conditions and additional requirements applicable to them in *Council's Footpath Trading Guidelines*.

### 56. Roadside Trading or Performing

- (1) A *person* must not, without a *permit*, erect or place on any *road* or *Council land* a vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any goods or services.
- (2) A *person* must not, without a *permit*, or unless otherwise authorised by Council, on any *road* or in any *municipal place*, *busk* or play any musical instrument or use any sound amplification equipment for the purpose of public entertainment or performance.

### 57. Use of a Municipal Place for Outdoor Eating Facilities

- (1) A *person* must not, without a *permit* or an appropriate license agreement with Council, use or allow to be used any *road* or *Council land* for the purposes of an *outdoor eating facility*.
- (2) A *person* must, in addition to subclause (1), comply with any *permit* conditions and additional requirements applicable to them in *Council's Footpath Trading Guidelines*.

### 58. Street Collection and Distribution

A *person* must not, without a *permit*, solicit, distribute, or collect any donations, monies, pamphlets, flyers or subscriptions from a *road* or *Council land*.

### 59. 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*.

## 60. Shopping Trolleys

- (1) A *person* must not leave a shopping trolley on a *road*, *Council land* or *vacant land*, except in an area designated by *Council* for the return of shopping trolleys.
- (2) A *retailer* who provides shopping trolleys intended for the use of customers must ensure that *retailer's* trading name is clearly marked on the shopping trolleys.
- (3) A *retailer* who provides 25 or more shopping trolleys for use by customers, must ensure that each shopping trolley is fitted with a functioning coin deposit and release mechanism, or an alternate locking mechanism approved by Council.
- (4) A retailer must ensure that shopping trolleys left outside of their *premises* when the business is closed are secured so as to prevent any shopping trolley being used.
- (5) If a shopping trolley has been left on a *road*, *vacant land* or *Council land*, 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 within a specified period.
- (6) A *person* to whom a direction is given under sub-clause (5) must comply with that direction.
- (7) *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.

## 61. Commercial Filming

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

*Explanatory note:*

*For the purposes of assessing permit applications, Council must comply with the Victorian Film Friendly Guidelines, made under the Filming Approvals Act 2014.*

## 62. Circuses, Carnivals, Community Markets, Festivals or Events

- (1) A *person* must not, without a *permit*, or with the written consent of *Council* or an *Authorised Officer*, hold or allow to be held a circus, carnival, festival, community market or event on *Council land*.

*Explanatory note:*

*Council may impose conditions having regard to the Guidelines for Event Permits.*

## PART 10: SMOKING AND ALCOHOL

### 63. Smoking in a Smoke Free Area

- (1) *Council* may designate any *Council land* or *road* 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 sub-clause (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 multiple media streams, including where appropriate in a newspaper generally circulating throughout Victoria and on *Council's* website;
  - (b) posting notices on a publicly accessible notice board at the principal, municipal office of *Council*; and
  - (c) erecting an *acceptable no smoking sign* in the *smoke free area*.
- (3) A *person* must not *smoke* a *tobacco product* or *vaping device*, filled with a *vaping substance*, in a *smoke free area*.
- (4) Where an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened sub-clause (3), the *Authorised Officer* may direct the *person* to extinguish and then dispose of the *tobacco product* or *vaping device*.
- (5) A *person* to whom a direction is given under sub-clause (4) must comply with that direction.

### 64. Consumption and Possession of Liquor

- (1) *Council* may declare certain parts of the *municipal district* where the consumption of *liquor* or the possession of *liquor* is restricted.
- (2) A declaration made by *Council* will not have force or effect unless signs advising of the declaration are erected in the relevant, declared area of the *municipal district*.
- (3) A *person* must not:
  - (a) consume any *liquor*; or
  - (b) have in their possession or control, any *liquor* other than in a sealed container;in parts of the *municipal district* where *Council* has declared that the consumption of *liquor* or possession of open containers of *liquor* is restricted.
- (4) In an area outside a declared, liquor restricted area, a *person* must not:
  - (a) consume any *liquor*; or
  - (b) have in their possession or control, any *liquor* other than in a sealed container between:
    - (i) 8.00pm and 6.00am on the following day Eastern Standard Time; or
    - (ii) 8.00pm and 8.00am on the following day, Eastern Daylight Saving Time.
- (5) Sub-clauses (3) and (4) do not apply to a *person*:

- 
- (a) 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*;
  - (b) taking part in an *event* in respect of which the *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
  - (c) who has been granted a *permit* to take *liquor* into an area declared by *Council*.
- (6) If an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened sub-clauses (3) or (4), the *Authorised Officer* may direct the *person* to seal any container or dispose of the contents of any unsealed container.
- (7) A *person* to whom a direction is given under sub-clause (6) must comply with that direction.

## PART 11: ADMINISTRATION AND ENFORCEMENT

### Division 1: Administration

#### 65. 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.

#### 66. 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 67. This includes working with relevant support services and organisations operating to assist people experiencing homelessness.
- (4) An impounded thing must be surrendered to –
  - (a) its owner; or
  - (b) a *person* acting on behalf of the owner who provides evidence to the satisfaction of an *Authorised Officer* of their authority to do so,  
  
provided that:
    - (i) evidence to the satisfaction of the *Authorised Officer* is produced 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* is paid.
- (5) Sub-clause (4) does not apply where the impounded thing cannot reasonably be kept or possessed in accordance with this Local Law.

#### 67. Disposal

- (1) An *Authorised Officer* may sell, destroy, dispose of, or give away any thing impounded under this Local Law if:
  - (a) the impounded thing has not been returned to the owner or a *person* acting on the owner's behalf within fourteen 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 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 sub-clause (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.

## **68. 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 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 7 days after the time specified in the Notice to Comply;
  - (c) there was a significant error or misrepresentation in the application for the *permit*;
  - (d) there has been a significant error in relation to the grant of the *permit*; or
  - (e) there has been a significant 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;
  - (b) a significant miscalculation of figures; or
  - (c) a significant mistake in the description of a *person*, thing, or property referred to in the *permit*.
- (6) *Council* or an *Authorised Officer* may, during the period 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 sub-clauses (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 year after the date it was granted.
- (10) The holder of a *permit* granted under this Local Law must comply with all *permit* conditions and any requirements in a *Council policy* or incorporated document applicable to that *permit*.
- (11) A *person* must not make a false representation or declaration or intentionally omit significant information in an application for a *permit* or *permit* exemption.

## 69. Setting Fees and Charges

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

## 70. Differential or Structured Fees and Charges

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

## 71. Waiver of Fees and Charges

*Council* or the *Chief Executive Officer* may waive the whole or part of any fee or charge otherwise payable under this Local Law, with or without conditions, upon receipt of a written submission from the applicant stating reasons why any such fee or charge should be waived.

## Division 2 - Enforcement

### 72. 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 written record of the verbal direction given must be made by the *Authorised Officer*.
- (3) 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.
- (4) The time required by a verbal direction given or Notice to Comply issued 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.
- (5) A *person* may make representations, within fourteen 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 sub-clause (1) must comply with the verbal direction or Notice to Comply.

### **73. 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.

### **74. 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;
  - (b) the *Chief Executive Officer* of the *Council* or their delegate, not being the *Authorised Officer* administering this clause, approves of the proposed action; and
  - (c) details of the circumstances and 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.

## 75. Offences and Penalties

A *person* who contravenes or fails to comply with:

- (a) any provision under this Local Law, including the requirements of any incorporated document;
- (b) any condition contained in a *permit* issued under this Local Law or any requirements in the *Council Policy* applicable to that *permit*;
- (c) any *Council* sign;
- (d) any verbal direction issued by an *Authorised Officer*; or
- (e) any Notice to Comply by the date specified in the Notice to Comply -

is guilty of an offence and is liable to a penalty of:

- (i) twenty *penalty units*; and
- (ii) a further penalty of one *penalty unit* for each day during which the contravention continues.

## 76. 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.

## 77. 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.

## SCHEDULE 1: INFRINGEMENT NOTICE PENALTIES

Clause	Topic	Penalty units
	<b>Part 3 – Your Animals</b>	
9	Permitted quantity of animals	2
10	Keeping of animals	2
11	Animal waste	2
12	Droving and grazing of livestock	2
13	Horses on reserves	2
	<b>Part 4 - Your Property</b>	
14	Unightly land	2
15	Dilapidated buildings	5
16	Dangerous land	5
17	Overhanging obstructions or vegetation	2
18	Property numbers	1
19	Donation bins on private land	1
20	Camping on private land	2
21	Vehicles on private land	2
22	Vehicle crossings	5
23	Drainage	5
	<b>Part 5 – Council Land and Roads</b>	
24	Behaviour on Council land and roads	2
25	Access to a municipal place	2
26	Obstructions on Council land and roads	2
27	Tree and vegetation protection on Council land	5
28	Nature strip planting	2
29	Activities in or on a reserve	2
30	Camping on a road or Council land	2
31	Donation bins on Council land	2
32	Occupation of roads	5
33	Interfering with roads, Council land or infrastructure	5
34	Council sign	2
	<b>Part 6 – Vehicles on Council Land and Roads</b>	
35	Repair of vehicles	2
36	Display of vehicles	2
37	Storage of caravans, boats or trailers on Council land or roads	2
38	Heavy vehicles on Council land or roads	3
39	Abandoned, derelict and unregistered vehicles	2
40	Toy vehicles and bicycles	1
41	Use of recreational vehicles in a public place	2
42	Spoil on roads	2
43	Behaviour involving motor vehicles	5

Clause	Topic	Penalty units
	<b>Part 7 – Waste</b>	
44	Household waste	1
45	Hard waste collection	1
46	Trade and commercial waste	5
47	Bulk rubbish containers	2
	<b>Part 8 – Fire Safety</b>	
48	Restrictions on burning in the open air	5
49	Restrictions on burning in the open air by primary producers	5
50	Nuisance burning and incinerators	5
51	General provisions	5
52	Direction to extinguish fires	5
53	Restrictions on burning in the open air in public places and on Council land	5
	<b>Part 9 – Business and Trading</b>	
54	Signage	2
55	Display of goods	2
56	Roadside trading or performing	3
57	Use of a municipal place for outdoor eating facilities	3
58	Street collection and distribution	1
59	Spruiking	1
60	Shopping trolleys	2
61	Commercial filming	5
62	Circuses, carnivals, community markets, festivals and events	5
	<b>Part 10 – Smoking and Alcohol</b>	
63	Smoking in a smoke free area	2
64	Consumption and possession of liquor	3
	<b>Part 11 – Administration and Enforcement</b>	
	<b>Division 1: Administration</b>	
68	Permits	5
	<b>Division 2: Enforcement</b>	
72	Notice to comply and verbal direction	5
75	Offences and penalties	5
	<b>Other</b>	
	Any offence not referred to elsewhere in this table	2