



Activities & General Amenities Local Law 2018

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PART 1 – INTRODUCTION

Local Law

- 1.1 This Local Law is titled the Moonee Valley City Council Activities & General Amenities Local Law 2018.

Objectives

- 1.2 The objectives of this Local Law are to provide for the peace order and good government of Moonee Valley City Council by:
- (a) Regulating and controlling uses and activities on Council land and roads which may:
 - (i) be detrimental to the amenity of the area or the enjoyment of facilities on land or roads;
 - (ii) cause damage to Council and community assets;
 - (iii) create a danger or expose others to risk;
 - (iv) interfere with the safety and convenience of people travelling on or using Council land or roads; and
 - (v) impede free and safe access for people, in particular those with sight and movement impairment or disabilities.
 - (b) Managing, regulating and controlling activities and uses on any land which:
 - (i) may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
 - (ii) are directed at maintaining neighbourhood harmony and a healthy and safe environment for residents and visitors;
 - (iii) promote community lifestyle expectations and the availability of goods and services provided to them; and
 - (iv) creates a sense of community pride in the Municipal District and which promotes Moonee Valley as a prosperous place to live and do business.
 - (c) identifying activities and uses that are not permitted so as to achieve the purposes in clauses 1.2 (1) and (2); and (4) providing for the administration of the Council's powers and functions so that they can be applied, having regard to the objectives in clauses 1.2 (1) and (2), in a fair and practicable way.

Power to make this Local Law

- 1.3 This Local Law is made under section 111 of the Act and section 42 of the *Domestic Animals Act 1994*.

Commencement and Revocation

- 1.4.1 This Local Law:

- (a) commences on <Date to be advised>; and
- (b) unless it is revoked sooner, will cease to operate on 30 June 2028.

- 1.4.2 From the date of commencement of this Local Law, Council's General Local Law 2008 will cease to operate and is repealed.

Application

- 1.5.1 This Local Law operates throughout the municipal district.
- 1.5.2 This Local Law does not apply where any act or thing regulated by it is authorised by any Act, other subordinate legislation or the Planning Scheme.
- 1.5.3 The Council may designate areas for the purposes of this Local Law which prohibits or limits the places where specific uses and activities may occur.
- 1.5.4 Where the Council designates areas under this Local Law it must ensure that those designated areas are included in:
- (a) the Local Laws register; and
 - (b) identified on maps or by a geographic description and are published on the Council's website and available in hard copy at the Council's office.

Incorporated Documents

- 1.6.1 Schedule 1 of this Local Law incorporates, by reference, documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- 1.6.2 Where an incorporated document is applied to a use or activity a person must comply with the requirements specified for that use or activity.
- 1.6.3 Schedule 2 contains the on the spot penalties for breaches against this Local law and will be reviewed annually by Council during its review of fees and charges in its budget process.
- 1.6.4 All incorporated documents listed in schedule 1 are published on the Council's website and are available in hard copy at the Council's office.

Definitions

- 1.7 In this Local Law, unless inconsistent with the context:

Act means the *Local Government Act 1989*;

advertising sign means a placard, board, sign, card or banner, on any, fence, structure or pole whether portable or attached to any land, building or vehicle which -

- (a) provides information about a business, industry or organisation;
- (b) advertises goods, services, an event or a competition; or
- (c) contains offensive or inappropriate content as determined by an Authorised Officer;

Authorised Officer means a person appointed by Council under sections 224 or 224A of the Act;

bond means a sum of money, or another means of security acceptable to Council, the amount of which has been determined by Council, after taking account of -

- (a) the nature of the building work;
- (b) likely costs that would be incurred for repairs to Council infrastructure assets;
- (c) if damage does occur to them, during or as a result of the building work;
- (d) requirements which are commonly applied in comparable situations; and
- (e) any relevant Act, regulation or government policy directives;

builder means a person to whom a building permit has been issued under the *Building Act 1993*;

building work means work for which a building permit is required to be issued under the *Building Act 1993*;

camping means using a caravan, tent, motor vehicle or like structure for residential accommodation (either temporary or permanent) of a person and ‘**camp**’ has the corresponding meaning;

caravan includes a mobile home and moveable dwelling;

charity bin means a receptacle used for the donation of clothing or household goods of a type which the organisation concerned indicates can be deposited there;

Council means Moonee Valley City Council;

Council building means Council's municipal offices and buildings;

Council land means any land or road owned, vested in, managed by or under the control of Council and includes any building, structure, street sign, fence, tree and plant situated on that land;

farm animals includes horses, cattle, sheep, donkeys, mules, goats, pigs and deer or similar of any age;

goods includes but is not limited to produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas and anything similar;

heavy vehicle includes a long vehicle and has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2017*;

incinerator means an outside structure, device or equipment that is not a barbeque and which is designed, adapted, used or capable of being used for the burning of materials or substances;

incorporated documents means the list of documents applying to this Local Law as listed in Schedule 1;

land means any land in separate ownership or occupation and includes a shop, dwelling or a factory or part thereof as may be separately owned or occupied;

litter bin means a receptacle provided by Council, or with the authority of Council, in or on a road or municipal place, for use by the public to deposit small items of litter;

litter device means an appropriate apparatus designed for, or able to be used for, the purpose of collecting and removing animal and/or dog faeces;

liquor means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

Local Law means Council's Activities & General Amenities Local Law 2018;

motor vehicle includes a long vehicle and has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2017*;

municipal district means the municipal district of Council;

municipal place means any land and/or building, reserve, river, creek, lake or body of water, which is owned, occupied or under the control of Council and includes recreation centres, libraries, shopping malls, reserves and other Council land but excludes roads;

noxious weed has the meaning ascribed to it by section 3 of the *Catchment and Land Protection Act 1994*;

nuisance includes any behaviour or condition which is or is liable to be dangerous to health or is noxious, annoying or injurious to personal comfort;

occupier includes a resident, and in relation to land which has a lot entitlement or lot liability in respect of common property the Owners Corporation created upon the registration of a Plan of Subdivision affecting that land;

penalty unit means \$100;

permit means a permit, authorised or required under this Local Law;

person includes a corporation;

person in charge means:

- (a) a person in charge of a building site or land where building works are to be carried out;
- (b) a person who causes building works to be carried out;
- (c) the owner of the building site and in the case of a company, each director of the company; or
- (d) the person in charge of an animal or bird.

planning scheme means the Moonee Valley Planning Scheme;

poultry includes chickens, ducks, geese, peacocks, pheasants, turkeys and guinea fowl;

racine pigeon means a pigeon that is kept by a person who is a registered, current member of a recognised National or State Homing Pigeon Association;

redundant vehicle crossing means a vehicle crossing no longer required for vehicular access to land, or vehicle crossing not approved by Council;

residential area means land zoned as residential or predominantly residential under the planning scheme;

road has the meaning ascribed to it by section 3 of the Act and includes every part of a road;

rodents includes guinea pigs, mice, rats and hamsters and other mammals characterised by incisors adapted for gnawing and nibbling;

schedule means a schedule to this Local Law;

sell includes -

- (a) sell by means of any machine or mechanical device;
- (b) barter or exchange;
- (c) agree to sell;
- (d) offer or expose for sale;
- (e) keep or have in possession for sale; and
- (f) directing, causing or attempting any such acts or things;

shopping trolley means a wheeled receptacle supplied by a retailer of goods to enable customers purchasing any of those goods to transport them to or from one place to another;

traffic control device means any signal, sign, barrier or any structure built or erected to warn, advise or protect pedestrians, cyclists or motorists and to regulate traffic;

Unmanned aerial vehicle means remotely piloted aircraft, including drones which can be used for recreational and commercial uses.

unsightly includes land which contains -

- (a) unconstrained rubbish such as paper, cardboard, plastic bags, styrene, household rubbish, second hand containers;
- (b) second hand timber or second hand building material;
- (c) discarded, rejected, surplus or abandoned solid or liquid materials;
- (d) graffiti;
- (e) machinery or machinery parts stored on the land for more than 2 months;
- (f) unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar stored on the land for more than 2 months;
- (g) anything being built which is left incomplete and is considered to be detrimental to the appearance of the surrounding area;
- (h) any other thing making the land visually repugnant; or
- (i) detrimental to the general amenity to the area;
but excludes an enclosed building or structure on the land which complies with regulations made under the *Building Act 1993* or the *Planning and Environment Act 1987*.

vehicle has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2017*;

vehicle crossing means a Council approved constructed surface between the property boundary and roadway required for vehicular access to land;

vermin includes rodents and insects likely, or with the potential, to cause a nuisance;

waste bin means a bin, skip or other container used for the deposit of waste, but excludes an approved garbage bin used in connection with Council's refuse collection service; and

wheeled recreational device has the same meaning ascribed to it by the *Road Safety Road Rules 2017*.

Other legislation

- 1.8 Anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.

PART 2 - MUNICIPAL PLACES AND ROADS

Prohibited conduct in Council buildings, municipal places and on roads

- 2.1.1 A person must not, in a municipal place or on a road –
- (a) commit any nuisance;
 - (b) conduct an activity that interferes with, or may likely interfere with, another person's reasonable use and enjoyment of the municipal place or road, without the written permission of an authorised Council staff member;
 - (c) act in a manner that endangers any person;
 - (d) alter, destroy, remove, obstruct, encroach on, damage, foul, interfere with or deface anything located in the municipal place or on the road;
 - (e) enter other than through an entrance provided for that purpose;
 - (f) park, drive or ride a vehicle unless that land has been designed or developed for the purposes of parking, riding or driving a vehicle;
 - (g) ride a bicycle or use a wheeled recreational device in a manner that –
 - (i) interferes with another person's use and enjoyment of the municipal place or road;
 - (ii) endangers any other person; or
 - (iii) causes damage to the municipal place or road.
- 2.1.2 A person must not feed or leave any food for any animal in a municipal place.
- 2.1.3 A person who is issued a residential parking permit must comply with all the conditions of that permit.

Direction to leave

- 2.2 An Authorised Officer may direct a person to leave a municipal place or Council building if that person's conduct is contrary to the requirements of this Part.

Vegetation control

- 2.3. A person must not, without a permit, plant, damage or interfere with any vegetation on Council land.

Filming of persons

- 2.4.1 A person must not, without a permit, undertake any filming on Council land.

2.4.2 An Authorised Officer may direct a person not to film or record any person or thing in a Council building or on Council land.

A person utilizing a municipal place or road must comply with the following policies and guidelines being documents incorporated by reference into this Local Law.

| Incorporated Documents | |
|--|--|
| Nature Strip and Roadside Policy | Use of Transfer Station Guidelines |
| Guide to Filming in Moonee Valley | Use of Leisure Centres Guidelines |
| Share Bike Guidelines | Mobile Food Van Policy |
| Use of Library Guidelines | Events Policy and Guidelines |
| Determination of Full Value of Trees for Reinstatement Costs | Footpath Trading Policy & Application for Commercial use of Footpath |
| Fitness Programs on Council Reserves | Guidelines for use of Drones |

PART 3 – PROTECTION OF COUNCIL ASSETS

Meaning of Council assets

3.1 For the purposes of this Part, 'Council assets' means any -

- (a) road which includes the road reserve;
- (b) drain;
- (c) drainage infrastructure;
- (d) footpath;
- (e) nature strip;
- (f) street tree or other vegetation;
- (g) street sign; or
- (h) other property or assets vested in or under the control of Council.

Protection of Council assets during building work

3.2 Before commencing and during the course of carrying out building work, a person in charge of that building work must comply with Council's Procedures for Work on and Protection of Council Assets being documents incorporated by reference into this Local Law.

Interference with Council assets

3.3 A person must not, without a permit and in accordance with Council's Procedures for Work on and Protection of Council Assets being documents incorporated by reference into this Local Law:

- (a) alter, destroy, damage, connect to, modify or interfere with Council assets; or
- (b) undertake any works in a road reserve, municipal place or drainage easement located within any private land.

Protection and use of drains

3.4 A person must in accordance with Council's Procedures for Work on and Protection of Council Assets being documents incorporated by reference into this Local Law, not allow any drain located on land owned or occupied by that person to be:

- (a) in disrepair;
- (b) in a condition which is a nuisance;
- (c) in a condition which is unsightly;
- (c) in a condition that interferes with a Council asset; or
- (d) dangerous to health.

Drainage of land

3.5 An owner or occupier of land must in accordance with Council’s Procedures for Work on and Protection of Council Assets being documents incorporated by reference into this Local Law ensure that -

- (a) the land is adequately drained to the satisfaction of an Authorised Officer;
- (b) the land does not discharge water that in the opinion of an Authorised Officer is a nuisance to adjoining land; and
- (c) water does not discharge from an air conditioner or other equipment on that land onto a footpath.

Vehicle crossings

3.6 The owner of land must ensure that at each point of any vehicular access from a carriageway on a road to the land there is a vehicle crossing that is constructed and maintained in accordance with Council’s Procedures for Work on and Protection of Council Assets being a document incorporated by reference into this Local Law.

| Incorporated Documents | |
|--|---|
| Asset Protection Policy and Procedure Manual | Vehicle Crossings Policy and Procedure Manual |
| Building Over or Adjacent to an Easement Policy and Procedure Manual | Works Within Road Reserve Policy and Procedure Manual |
| Drainage Investigations Policy and Procedure Manual | Temporary Road Closure and Occupancy and Procedure Manual |
| Legal Point of Discharge Policy and Procedure Manual | |

PART 4 - AMENITY, PUBLIC HEALTH & SAFETY

Condition of land

4.1.1 The owner or occupier of land must not allow:

- (a) that land to be unsightly; or
- (b) grass or weeds to grow on that land to a height exceeding 200 millimetres above the surface of the ground.

4.1.2 An Authorised Officer may, by serving a Notice to Comply, direct an owner or occupier of land to temporarily fence that land in a manner directed by the Authorised Officer so as to:

- (a) conceal an unsightly condition of the land; or
- (b) prevent persons from accessing the land if in the reasonable opinion of the Authorised Officer, the condition of the land constitutes a danger to any person who may enter the land.

Vermin and noxious weeds

- 4.2 An owner or occupier of land must not allow any vermin or noxious weeds to exist on the land.

Machinery, materials, goods or vehicles on land

- 4.3 A person must not, without a permit, use any land for:
- (a) the storage of disused, old, used or second hand machinery, material or goods;
 - (b) the assembly or dismantling of such machinery, material or goods;
 - (c) the storage of unregistered vehicles or parts of vehicles; or
 - (d) the assembly or dismantling of old or second hand vehicles -

unless the storage, assembly or dismantling is confined to an enclosed building on the land and is not considered to be unsightly.

Heavy vehicles kept on residential land

- 4.4 The owner or occupier of any land in a residential area must not, without a permit, allow a heavy vehicle to be parked, kept, stored or repaired on that land.

Security alarms

- 4.5 An owner or occupier of any land must not allow a security alarm to operate in such a manner that emits a noise audible beyond the boundary of the land, unless such alarm is constructed or regulated so as to ensure that:
- (a) whenever the alarm is activated it is automatically rendered inaudible beyond the boundary of the land within 10 minutes of it being activated; and
 - (b) the alarm cannot re-activate until the device has been manually re-set.

Camping

- 4.6.1 A person must not, without a permit, camp:
- (a) on any land;
 - (b) on any road managed by Council; or
 - (c) in a municipal place.

- 4.6.2 The owner or occupier of any land must not, without a permit, allow camping on that land.

Unattended vehicles

- 4.7 A person must not without a permit leave on a road or in a municipal place:
- (a) a motor vehicle weighing more than 1 tonne, a trailer or a caravan for more than 14 continuous days; or
 - (b) a motor vehicle weighing up to 1 tonne, for more than 30 continuous days.

Caravans

- 4.8 A person must not, without a permit, keep or store more than one caravan on land in a residential area.

Overhanging vegetation

- 4.9 A person who owns or occupies any land abutting any road or municipal place must not permit any vegetation on that land:
- (a) to overhang at a height of less than 2.4 metres from the level of the adjacent footpath or nature strip; or
 - (b) to interfere with –
 - (i) the clear view of a driver or any motor vehicle travelling along the road abutting the land;
 - (ii) encroach upon any adjacent road or municipal place;
 - (iii) a sign on a road or municipal place; or
 - (iii) the safe and convenient use of any footpath or road

Numbering of land

- 4.10 The owner or occupier of land to which a number has been allocated by Council must mark the land with the number so that it is clearly visible and readable from the road that the land fronts.

Fires in the open air

- 4.11.1 A person must in accordance with Council's Fire Prevention Program, being a document incorporated by reference into this Local Law , not light a fire, or allow a fire to remain alight in the open air or in an incinerator except for cooking food.
- 4.11.2 A person must not burn any materials or substances in the open air, in an outdoor oven or in a wood heater located in a building that could be:
- (a) dangerous to the health or safety of a person; or
 - (b) offensive to any person –
- because the materials or substances being burnt are a prohibited wastes or the wood that is being used is wet, treated or painted wood.

Dilapidated and unsafe buildings

- 4.12 The owner of land on which a building exists must maintain that building in a state of good repair.

Shopping trolleys

- 4.13.1 A person must not leave a shopping trolley on a road or in a municipal place, except in an area designated for the leaving of shopping trolleys.
- 4.13.2 The owner of any shopping trolley, on becoming aware that the shopping trolley has been left other than in compliance with sub-clause 4.13.1, must retrieve the trolley in

accordance with the requirements set out in Council's Shopping Trolleys Guidelines being a document incorporated by reference into this local law and .

- 4.13.3 As outlined in Council's Shopping Trolleys Guidelines being a document incorporated by reference into this local law the owner of any shopping trolley, may be requested by Council to
- (a) put in place proactive measures to reduce the number of shopping trolleys which are abandoned in streets
 - (b) ensure shopping trolleys have a coin mechanism or similar device to lock the trolleys;
 - (c) ensure that the trolleys are controlled to an area via 'geo-fencing' or similar technology;
 - (d) review new technology in association with shopping trolley operators which will effectively manage the use and abandonment of shopping trolleys outside of designated areas.

Advertising signs, goods and furniture

- 4.14 A person must not, without a permit and in accordance with Footpath Trading Policy & application for commercial use of Mobile Food Van Policy, Footpath and Street Stall Guidelines being documents incorporated by reference into this Local Law.:

- (a) display or permit to be displayed any goods; or
- (b) place or allow to be placed an advertising sign, a seat, umbrella, table, chair, planter box or other items –

on any road or in a municipal place.

Charity bins

- 4.15 A person must not, without a permit, place, allow to be placed, or allow to remain, a charity bin on any road or in a municipal place.

Receptacles and obstructions on roads or municipal places

- 4.16 A person placing a bulk rubbish bin, shipping container or any other large receptacle which encroaches on or obstructs the free use of a road or municipal place must comply with Council's Domestic and Commercial Waste Management Procedures being a document incorporated by reference into this Local Law.

Repair of vehicles

- 4.17.1 A person must not, without a permit:

- (a) paint;
- (b) service;
- (c) perform maintenance on;
- (d) dismantle, or
- (e) repair

a vehicle on a road or in a municipal place.

4.17.2 Clause 4.17.1 does not apply if a vehicle is dismantled or repaired for the purpose of removal from a road or municipal place.

Falling substances from vehicles

4.18 A person who drives or operates a vehicle, must not allow any grease, oil, mud, clay or other substance to fall from the vehicle onto a road, into a drain or in a municipal place.

Consumption and possession of liquor

4.19.1 A person is prohibited from consuming liquor in any designated alcohol restriction area as specified in Council's Alcohol Restriction Areas, being a document incorporated by reference into this Local Law.

4.19.2 In any land not declared by Council to be an alcohol restriction area, a person must not, without a permit, on a road or in a municipal place:

- (a) dispense or consume liquor; or
- (b) have in their possession an open receptacle that contains liquor.

Soliciting gifts

4.20 A person must not without a permit solicit, seek or obtain something from any individual, or cause or authorise another person to solicit, seek or obtain a gift:

- (a) on a road;
- (b) in a municipal place or Council building; or
- (c) on private land.

Distribution of unsolicited material

4.21 A person must not without a permit, on a road or in a Council building or municipal place, distribute to any person any advertising or promotional items or any printed material.

Persons selling goods, services or motor vehicles

4.22 A person must not, without a permit, sell any goods, services or a motor vehicle from:

- (a) a municipal place;
- (b) a road;
- (c) vacant land; or
- (d) land that is not ordinarily occupied by the person.

Busking

4.23 A person, whether or not for financial gain, must in accordance with Council's Busking Conditions and Guidelines, being a document incorporated by reference into this Local Law not without a permit on any road or in a municipal place:

- (a) busk;
- (b) sound or play any musical instrument;
- (c) sing;
- (d) harangue or recite;
- (e) perform conjuring tricks;

- (f) juggle;
- (g) dance;
- (h) engage in miming or puppetry like activities; or
- (e) place any receptacle or note requesting money.

Restriction on use of litter bins

- 4.24 The owner or occupier of land must not deposit in a domestic litter bin any waste that has not been generated on or from that land.

Waste collection

- 4.25 The owner or occupier of any land from which waste is collected by Council, must comply with Vic Roads Code for Placement of Waste Bins on Road side being a document incorporated by reference into this Local Law.

Interference with waste

- 4.26 A person must not, without a permit, remove or interfere with any waste left out on a road or in a municipal place for collection by Council.

Asbestos Management from Dwellings

- 4.27 Unless works are carried out by a licensed asbestos removalist any material that contains or is likely to contain asbestos must not be removed by a person unless:
- (a) the asbestos is non-friable and the total amount to be removed from the building is not more than 10 square metres;
 - (b) all reasonable precautions are taken, including wetting down of the material immediately prior to its removal and keeping it wet until it is wrapped in plastic, sealed and clearly labelled to indicate the presence of asbestos; and
 - (c) the asbestos is removed from the property within 24 hours.

NOTE: The Occupational Health and Safety Regulations 2007 apply to asbestos removal from a building where the amount to be removed is more than 10 square metres. Removal of asbestos greater than 10 square metres must be done by a licensed asbestos removalist. Further information can be found at www.asbestos.vic.gov.au

Noise

- 4.28.1 A person carrying out any activity or use on land must not cause unreasonable or excessive noise.
- 4.28.2 The requirements of the EPA Noise Control Guidelines, being a document incorporated by reference into this Local Law apply to the following uses and activities in the manner prescribed in the Guidelines for that use or activity:
- (a) fixed domestic plant (air conditioners, swimming pool equipment, spas, ducted heating, internal vacuum systems) or home occupation noise;
 - (b) mobile vendors;

- (c) truck-mounted refrigeration units;
- (d) deliveries to shops, supermarkets and service stations;
- (e) noise from shops; and
- (f) public address systems.

4.28.3 In determining whether there has been unreasonable or excessive noise, an Authorised Officer will have regard to the EPA Noise Control Guidelines and the State Environment Protection Policies of the Environment Protection Authority.

Lighting

4.29 A person must ensure that all outdoor lighting, except for public lighting, installed on land owned or occupied by them, is designed, located and baffled so that no loss of amenity is caused to any person on adjoining land or land in the vicinity.

NOTE: Public Lighting is lighting provided for roads and other outdoor public spaces (eg footpaths, parks, reserves, carparks, cycle paths etc) for the primary purpose of safe vehicle and people movement.

Smoke Free Areas

4.30.1 The Council may declare an area of the municipal district to be smoke free area in accordance with the declaration of Smoke Free areas guidelines, being a document incorporated by reference into this Local Law.

4.30.2 In any land declared by Council to be a smoke free area a person must not

- (a) smoke, hold or otherwise have control over an ignited *tobacco product*, or
- (b) light a tobacco product.

Tree and Canopy Protection

4.31.1 A person must not without a **Permit** and in accordance with the Tree and Canopy Protection guidelines being a document incorporated by reference into this Local Law.

- (a) remove, **Prune, Damage**, kill or destroy or direct, authorise or allow to be removed, **Pruned, Damaged**, killed or destroyed a **Significant Tree**.
- (b) carry out, or direct, authorise or allow to be carried out, any **Works** within the **Tree Protection Zone** of a **Significant Tree**.
- (c) remove, **Damage**, kill or destroy or direct, authorise or allow to be removed, **Damaged**, killed or destroyed a **Canopy Tree**.
- (d) carry out, or direct, authorise or allow to be carried out any **Works** within the **Structural Root Zone** of a **Canopy Tree**.
- (e) remove, **Damage**, kill or destroy or direct, authorise or allow to be removed, **Damaged**, killed or destroyed a tree required to be planted as a condition of a **Permit**

4.31.2 The “Determination of full value of trees for reinstatement costs” guidelines being a document incorporated by reference into this Local Law shall be used in determining the replacement costs for any Significant Tree or Canopy removed.

| Incorporated Documents | |
|---|--|
| Domestic and Commercial Waste Management Procedures | Vic Roads Code for the Placement of Waste Bins on Road Sides |
| Alcohol Restriction Areas | Busking Conditions and Application |
| EPA Noise Control Guidelines | Advertising Signs |
| Fire Prevention Program | Street Stall Guidelines |
| Tree Protection and Canopy Guidelines | Determination of full value of trees for reinstatement costs |
| Smoke Free Guidelines | |

PART 5 - KEEPING OF ANIMALS

Permitted animals and birds kept on land

5.1 Except with a permit issued in accordance with the Keeping of Excess Animals Guidelines, being a document incorporated by reference into this Local Law, or in accordance with the following table, a person must not keep or allow to be kept on land occupied by that person any animal or bird.

| Type of Animal or Bird Kept on a Property | Small land size* | Any other land size |
|---|--|---------------------|
| Poultry but excluding roosters ** | 0 | 6 |
| Caged Birds | 5 | 10 |
| Dogs | 1 | 3 |
| Cats | 1 | 3 |
| Cats and Dogs | 1 of each | 4 combined |
| Rabbits | 1 | 5 |
| Rodents | 2 | 6 |
| Reptiles | 5 | 5 |
| Racing Pigeons | 0 | 40 |
| Farm Animals | Only permitted where there is 2000 square metres of open land per animal | |
| All other animals | 0 | 0 |

* **small land size** means land of less than 450 square metres.

** **Roosters** are prohibited under this Local Law

Keeping of bees

5.2 The owner or occupier of any land who keeps bees on that land must do so in accordance with the relevant Apiary Code of Practice being a document incorporated by reference into this Local Law.

Conditions under which animals and birds are kept

5.3 The owner or occupier of any land where an animal or bird is kept, must maintain any structure used for housing the animal or bird:

- (a) in a clean, inoffensive and sanitary condition; and
- (b) so as not to cause any nuisance.

Noise and odour

- 5.4 The owner or occupier of any land on which any animal or bird is kept must not allow any noise or odour to emanate from the animal or bird in a manner that interferes with the reasonable comfort or convenience of any person and do so in accordance with the relevant Barking Dogs Guidelines and Vic Code of Practice - Racing pigeons being documents incorporated by reference into this Local Law.

Animal litter

- 5.5 Whenever an animal is outside the land at which it is normally kept, the person in control of the animal must:
- (a) not allow any faeces from the animal to remain on a road, municipal place or land owned or occupied by another person;
 - (b) carry a litter device and must use it for the purposes of removing any faeces of the animal; and
 - (c) dispose of any faeces of the animal in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

Wandering animals and birds

- 5.6.1 The owner or person in charge of any animal or bird must:
- (a) not allow that animal or bird to wander from where it is normally kept; and
 - (b) ensure that the land on which the animal or bird is normally kept is adequately fenced to prevent the animal or bird from being at large or escaping.

- 5.6.2 Subclause 5.6.1(a) does not apply to dogs and cats.

NOTE: Sections 24 and 25 of the Domestic Animals Act 1994 provide that an owner of a dog or cat found at large will be guilty of an offence.

Prohibited places for dogs

- 5.7.1 Except with a permit, the owner or person in charge of a dog must not allow that dog to enter any Council building or a wetland.
- 5.7.2 The owner or person in charge of a dog must comply with Council's Domestic Animal management Plan 2017-2021 and Specified Wetlands Guidelines being documents incorporated by reference into this Local Law.
- 5.7.3 Subclause 5.7.1 does not apply to a dog that is:
- (a) a guidance assistance animal; or
 - (b) being used by a government agency.

| Incorporated Documents | |
|---------------------------------|--------------------------------------|
| Domestic Animal Management Plan | Specified Wetlands Guidelines |
| Apiary Code Of Conduct | Keeping of Excess Animals Guidelines |
| Barking Dogs Guidelines | |
| | |

PART 6 - PERMITS

Applications for permits

6.1 If this Local Law requires a permit to be obtained, the application for the permit must:

- (a) be made to Council in writing using the appropriate form; and
- (b) be accompanied by the fee prescribed by Council.

More information

6.2 Council may require a permit applicant to provide more information before it deals with the application.

Decision on permit application

6.3 Council may decide:

- (a) to grant a permit;
- (b) to grant a permit subject to conditions; or
- (c) refuse to grant a permit on grounds it thinks fit.

Review

6.4 An applicant for a permit may apply to Council for review of a decision to refuse to grant a permit or to grant a permit subject to conditions in accordance with Council's Review Process Guidelines being a document incorporated by reference into this Local Law.

Correction of a permit

6.5 Council may amend or revoke a permit granted by it under this Local Law.

Bonds

6.6.1 In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council deems reasonable in the circumstances.

6.6.2 If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.

6.6.3 Where the bond or any part is used pursuant to clause 6.6.2, the person to whom the permit was granted or the property owner may be directed to replenish or increase the bond amount.

6.6.4 On satisfactory completion of any works under a permit, Council must release any applicable bond or remainder of the bond.

- 6.6.5 If after 12 months, Council cannot locate a person entitled to the release of any bond, Council will remit the funds to the State Revenue Office.

PART 7 - ENFORCEMENT

Offences

7.1 A person who:

- (a) contravenes or fails to comply with any provision of this Local Law or any document incorporated by reference;
- (b) contravenes or fails to comply with any condition contained in a permit under this Local Law;
- (c) knowingly provides false information in support of an application for a permit under this Local Law;
- (d) knowingly supplies false or misleading information to an Authorised Officer;
- (e) fails to comply with a verbal direction issued, or a Notice to Comply served, by an Authorised Officer;
- (f) fails to comply with a sign erected by Council; or
- (g) makes or attempts to make any agreement with an Authorised Officer to induce that Authorised Officer to compromise his or her duty -
is guilty of an offence and is liable to -
 - (i) a maximum penalty of \$2000; and
 - (ii) a further penalty of \$200 for each day after a finding of guilt or conviction for an offence during which the contravention continues.

Infringement notices

- 7.2.1 As an alternative to a prosecution for an offence, an Authorised Officer may serve a person with an infringement notice in a form approved by Council.
- 7.2.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 7.2.3 The amount of the fixed penalty to be specified in an infringement notice is set out in Council's "*Register of Penalties for on the spot infringement Notices*" being a document incorporated by reference into this Local Law.

Notice to Comply

- 7.3.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a written direction called a Notice to Comply requiring a person to stop offending and do anything necessary to rectify the offence in accordance with Council's Notice to Comply Guidelines being a document incorporated by reference into this Local Law..
- 7.3.2 A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with the specified directions.
- 7.3.3 The period required to comply with a Notice to Comply 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 items;
- (d) climatic conditions;
- (e) the degree of risk or potential risk; and
- (f) any other relevant factor.

Urgent circumstances

7.4 In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action to remedy the situation circumstance without first serving a Notice to Comply.

Obstructing objects

7.5.1 An Authorised Officer may:

- (a) require any person responsible for an obstructing object on Council land to move it;
- (b) move or impound any object that:
 - i) obstructs a road, Council Building or municipal place;
 - ii) contravenes the conditions placed on a permit issued;
- (c) return the object to its owner on payment of the prescribed fee; or
- (d) sell, dispose of or destroy the object if the owner has not paid the fee within 7 days of impounding.

7.5.2 Where any item has been impounded under this clause, Council must, if practicable, serve written notice of the impounding by pre-paid mail on the person who appears to be the owner of the impounded item in accordance with Council's impounding guidelines being a document incorporated by reference into this Local Law.

Fees and charges

7.6.1 Council may by resolution determine the fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, and Council must give public notice of its resolution to set or alter fees and charges.

7.6.2. Where a Permit is granted part way through the financial year and is to operate for the balance of that year, Council may vary the normal fee or charge by charging a pro rata amount.

7.6.3 In determining any 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.

7.6.4 Council may waive, reduce or alter any fee or charge with or without conditions.

7.6.5 In determining the fee for any Permit, Council may have regard to any tender received from the applicant for the Permit.

| Incorporated Documents | |
|-------------------------------|-----------------------|
| Notice to Comply | Impounding Guidelines |

Schedule 1

Table of incorporated and referenced documents

| Name | Section of Local law | |
|---|----------------------|--|
| Municipal Places and Roads | Part 2 | |
| Community Managed Events On Council Land | 2.1 | |
| Mobile Food Van Policy | 2.1 & 4.14 | |
| Fitness Programs on Council Reserves | 2.1 | |
| Conditions of Entry Council Buildings | 2.2 – 2.2 | |
| Guidelines to Usage of Drones | 2.1 – 2.2 | |
| Nature Strip and Roadside Policy (Draft) | 2.3 | |
| Filming Policy & Guidelines | 2.4 | |
| Protection Of Council Assets | Part 3 | |
| Asset Protection Policy | 3.1 – 3.6 | |
| Works Within a Road Reserve Policy | 3.1 – 3.6 | |
| Building Over or Adjacent to an Easement Policy | 3.1 – 3.6 | |
| Drainage Investigations Policy | 3.1 – 3.6 | |
| Legal Point of Discharge Policy | 3.1 – 3.6 | |
| Temporary Road Closure and Occupancy Policy | 3.1 – 3.6 | |
| Vehicle Crossings Policy | 3.1 – 3.6 | |
| Amenity, Public Health & Safety | Part 4 | |
| Fire Prevention Guidelines | 4.11 | |
| Footpath Trading Policy | 4.14 | |
| Guidelines Real Estate Agent Signage Permit | 4.14 | |
| Dockless Bike Share MOU | 4.16 | |
| Alcohol Restriction Areas | 4.19 | |
| Smoke Free Areas | 4.20 | |
| Busking Conditions and permit | 4.24 | |
| Vic Roads Code for the Placement of Waste Bins on Roads sides | 4.25 & 4.26 | |
| Domestic and Commercial Waste Management | 4.26 | |

| | | |
|--|---------------|--|
| Noise Control Guidelines | 4.29 | |
| Tree & Canopy Protection Guidelines | 4.31 | |
| Determination of Full Value of Trees for Reinstatement Costs | 4.31 | |
| Keeping Of Animals | Part 5 | |
| Domestic Animal Management Animal Plan 2017 - 21 | 5.1 – 5.7 | |
| Code of Practice for the Keeping & Racing of Pigeons | 5.1 | |
| Apiary Code of Practice | 5.2 | |
| Nuisance Barking Dog | 5.4 | |
| Specified Wetland Guide | 5.7 | |
| Permits | Part 6 | |
| Infringement Appeal | 6.3 | |
| Enforcement | Part 7 | |
| Notice to Comply | 7.3 | |
| Impounding Guidelines | 7.5 | |

Schedule 2

Penalty Units For Infringements Issued By Authorised Officers. Reviewed Annually

| Clause | Topic | Penalty Unit for Infringement Notice |
|--------|---|--------------------------------------|
| | Part 2 Municipal Places and Roads | |
| 2.1 | Activities prohibited in Council Buildings, Municipal Places and on Roads | 2 |
| 2.2 | Direction to Leave | 2 |
| 2.3 | Vegetation Control | 2 |
| 2.4 | Filming of Persons | 2 |
| | Part 3 Protection Of Council Assets | |
| 3.3 | Protection of Council assets during building works | 10 |
| 3.4 | Interference with Council Asset | 10 |
| 3.5 | Protection and Use Of Drains | 10 |
| 3.6 | Drainage of land | 10 |
| 3.7 | Vehicle Crossing | 10 |
| | Part 4 Amenity, Public Health & Safety | |
| 4.1 | Condition of land | 6 |
| 4.2 | Vermin and noxious weeds | 6 |
| 4.3 | Machinery, materials, goods or vehicles on land | 2 |
| 4.4 | Heavy vehicles kept on residential land | 2 |
| 4.5 | Security alarms | 3 |
| 4.6 | Camping | 2 |
| 4.7 | Unattended vehicles | 2 |
| 4.8 | Caravans | 2 |
| 4.9 | Overhanging vegetation | 10 |
| 4.10 | Numbering of land | 2 |
| 4.11 | Fires in the open air | 5 |
| 4.12 | Dilapidated and unsafe buildings | 6 |
| 4.13 | Shopping trolleys | 2 |
| 4.14 | Advertising signs, goods and furniture | 6 |
| 4.15 | Charity bins | 5 |
| 4.16 | Receptacles and obstructions on roads or municipal places | 5 |
| 4.17 | Repair of vehicles | 4 |
| 4.18 | Falling substances from vehicles | 5 |
| 4.19 | Consumption and possession of liquor | 2 |
| 4.20 | Soliciting gifts | 2 |
| 4.21 | Distribution of unsolicited material | 2 |
| 4.22 | Persons selling goods, services or motor vehicles | 4 |
| 4.23 | Busking | 2 |
| 4.24 | Restriction on use of litter bins | 5 |
| 4.25 | Waste Collection | 5 |
| 4.26 | Interference with waste | 5 |
| 4.27 | Asbestos Management from Dwellings | 10 |
| 4.28 | Noise | 10 |
| 4.29 | Lighting | 5 |
| 4.30 | Smoking | 5 |
| 4.31 | Trees – Damaged/Destroyed | 10 |
| | Part 5 Keeping of Animals | |
| 5.1 | Permitted animals and birds kept on land | 4 |
| 5.2 | Keeping of bees | 4 |
| 5.3 | Conditions under which animals and birds are kept | 4 |
| 5.4 | Noise and odour | 4 |
| 5.5 | Animal litter | 4 |
| 5.6 | Wandering animal and birds | 4 |
| 5.7 | Prohibited places for Dogs | 4 |

