Activities and General Amenities
Local Law 2018
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PART 1 – INTRODUCTION

Local Law

1.1 This Local Law is titled the *Activities and 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 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) create a sense of community pride in the municipal district and promote 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 (b(iii)) and (b(iii)); and (b(v)) providing for the administration of Council’s powers and functions so that they can be applied, having regard to the objectives in clauses 1.2 (a) and (b), in a fair and practicable way.
Power to make this Local Law

1.3 This Local Law is made under section 111 of Victoria's Local Government Act 1989 (the Act) and section 42 of Victoria's Domestic Animals Act 1994.

Commencement and revocation

1.4.1 This Local Law:
   (a) commences on 1 July 2018; and
   (b) unless 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From the date of commencement of this Local Law, Council's General Purposes Local Law 2008 will cease to operate and is repealed.

Application

1.5.1 This Local Law operates throughout the municipal district of Moonee Valley.

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 For the purpose of this Local Law, Council may designate areas in which specific uses and activities are prohibited or limited.

1.5.4 Where Council designates areas under this Local Law, it must ensure that those designated areas are:
   (a) included in the Local Law register; and
   (b) identified on maps or by a geographic description and are published on Council's website and available in hard copy at Council's municipal offices.

Incorporated documents

1.6.1 Schedule 1 of this Local Law incorporates, by reference, documents containing Council policies, 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 of this Local Law contains the infringement notice penalties for breaches against this Local law, which will be reviewed annually by Council during its review of fees and charges as part of its budget process.

1.6.4 All incorporated documents listed in Schedule 1 are published on Council's website and are available in hard copy at Council's municipal offices.
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 if damage occurs to them during or as a result of the building work;

(c) requirements which are commonly applied in comparable situations; and

(d) any relevant act, regulation or government policy directives;

**Builder**
means a person to whom a building permit has been issued under *Victoria’s Building Act 1993* (the Building Act);

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

**Camping / camp**
means using a caravan, tent, motor vehicle or like structure for residential accommodation (either temporary or permanent);

**Canopy tree**
means any tree:

(a) with a total trunk circumference of 110 centimetres or more measured at a point 1.5 metres along the trunk’s length from the closest point above ground level; or
(b) if multi-stemmed, with a total trunk circumference of all its trunks of 110 centimetres or more measured at a point 1.5 metres along the 'trunks' lengths from the closest point above ground level; or

(c) with a trunk circumference of 150 centimetres or more measured at ground level;

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 Victoria's Road Safety Road Rules 2017 (Road Safety Rules);

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, 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;

Motor vehicle includes a long vehicle and has the same meaning ascribed to it by the Road Safety Road Rules;

Municipal district means the municipal district of the City of Moonee Valley;

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 Victoria’s Catchment and Land Protection Act 1994 (Catchment and Land Protection Act);

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, as stipulated under S110 (2) of Victoria’s Sentencing Act 1991 (Sentencing Act);

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;
<table>
<thead>
<tr>
<th>Planning Scheme</th>
<th>means the Moonee Valley Planning Scheme;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poultry</td>
<td>includes chickens, ducks, geese, peacocks, pheasants, turkeys, peafowl and guinea fowl;</td>
</tr>
<tr>
<td>Racing pigeon</td>
<td>means a pigeon that is kept by a person who is a registered, current member of a recognised national or state homing pigeon association;</td>
</tr>
<tr>
<td>Redundant vehicle crossing</td>
<td>means a vehicle crossing no longer required for vehicular access to land, or vehicle crossing not approved by Council;</td>
</tr>
<tr>
<td>Residential area</td>
<td>means land zoned as residential or predominantly residential under the Planning Scheme;</td>
</tr>
<tr>
<td>Road</td>
<td>has the meaning ascribed to it by section 3 of the Act, and includes every part of a road;</td>
</tr>
<tr>
<td>Rodents</td>
<td>includes guinea pigs, mice, rats, hamsters and other mammals characterised by incisors adapted for gnawing and nibbling;</td>
</tr>
<tr>
<td>Schedule</td>
<td>means a schedule to this Local Law;</td>
</tr>
<tr>
<td>Sell</td>
<td>includes:</td>
</tr>
<tr>
<td></td>
<td>(a) sell by means of any machine or mechanical device;</td>
</tr>
<tr>
<td></td>
<td>(b) barter or exchange;</td>
</tr>
<tr>
<td></td>
<td>(c) agree to sell;</td>
</tr>
<tr>
<td></td>
<td>(d) offer or expose for sale;</td>
</tr>
<tr>
<td></td>
<td>(e) keep or have in possession for sale; and</td>
</tr>
<tr>
<td></td>
<td>(f) directing, causing or attempting any such acts or things;</td>
</tr>
<tr>
<td>Shopping trolley</td>
<td>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;</td>
</tr>
<tr>
<td>Significant tree</td>
<td>means a tree listed in Council’s <em>Significant Tree Register</em> of trees and vegetation within the municipal district that are considered to be of environmental, historic, horticultural, bio-diversity or other value, and includes any subsequent trees added to the Significant Tree Register;</td>
</tr>
<tr>
<td>Spruik</td>
<td>means using a human voice to generally promote goods or services to passing pedestrians on a street or in a public place;</td>
</tr>
</tbody>
</table>
Touting means standing in front of a business and enticing or propositioning individuals to enter the premises and purchase goods;

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 two (2) months;
(f) unregistered, unroadworthy, dismantled, incomplete or deteriorated motor vehicles, caravans, trailers or similar, stored on the land for more than two (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 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 or Victoria's Planning and Environment Act 1987 (Planning and Environment Act);

Vehicle has the same meaning ascribed to it by the Road Safety Road Rules;

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

Vermin includes rodents and insects likely, or with the potential, to cause a nuisance;
Wetland areas identified in Council’s Specified Wetland Guide, being a document incorporated by reference into this Local Law;

Wheeled recreational device has the same meaning ascribed to it by the Road Safety Road Rules.

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 officer;

(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 or park a bicycle or share bike, fly a drone 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;

(h) spruik.

2.1.2 A person must not feed or leave any food for any animal or bird 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.

2.1.4 A person, business or company must not distribute, place or manage a commercial bicycle activity on Council managed land, roads or footpaths, without Council approval.

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 and must comply with Council’s *Filming in Moonee Valley* guidelines, being a document incorporated by reference into this Local Law.

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.

<table>
<thead>
<tr>
<th>PART 2 - Incorporated documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Managed Events On Council Land Policy</td>
</tr>
<tr>
<td>Community Managed Events On Council Land – Event Permit Application Form</td>
</tr>
<tr>
<td>Guidelines to surveillance and privacy in the Victorian public sector</td>
</tr>
<tr>
<td>Mobile Food Vehicle Policy Guidelines</td>
</tr>
<tr>
<td>Drone Usage Guidelines</td>
</tr>
</tbody>
</table>

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PART 3 - PROTECTION OF COUNCIL ASSETS

Meaning of Council assets
3.1 For the purposes of this Part, ‘Council assets’ mean 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 Asset Protection Policy, being a document 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 Asset Protection Policy, being a document 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 Asset Protection Policy, being a document 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.
(d) in a condition that interferes with a Council asset; or
(e) dangerous to health.

Drainage of land

3.5 An owner or occupier of land must, in accordance with Council’s Asset Protection Policy, being a document 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 Asset Protection Policy, being a document incorporated by reference into this Local Law.

Persons must comply with the following policies, being documents incorporated by reference into this Local Law.

<table>
<thead>
<tr>
<th>PART 3 - Incorporated documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset Protection Policy</td>
</tr>
<tr>
<td>Building Over or Adjacent to an Easement Policy</td>
</tr>
<tr>
<td>Drainage Investigations Policy</td>
</tr>
<tr>
<td>Legal Point of Discharge Policy</td>
</tr>
</tbody>
</table>

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PART 4 - AMENITY, PUBLIC HEALTH AND SAFETY

Condition of land

4.1.1 The owner or occupier of land must not allow:
   (a) the land to be unsightly;
   (b) graffiti to remain on their property, in accordance with Victoria’s Graffiti Prevention Act 2007 and Council’s Graffiti Management Policy, being a document incorporated by reference into this Local Law; or
   (c) 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 reactivate until the device has been manually reset.

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 one (1) tonne, a trailer or a caravan, for more than 14 continuous days; or
   (b) a motor vehicle weighing up to one (1) tonne, for more than 30 continuous days.

Caravans
4.8 A person must not, without a permit, keep or store more than one (1) 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
   (iv) 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 Guidelines, 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 waste 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 Trolley Guidelines, being a document incorporated by reference into this Local Law.

4.13.3 As outlined in Council’s Shopping Trolley 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 trolleys, 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 Council’s Footpath Trading Policy and Advertising Signs for Community Events Policy, 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, 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 must not, without a permit, place a bulk rubbish bin, shipping container or any other large receptacle on any Council managed land, whether or not it encroaches on or obstructs the free use of a road.

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, or cause or authorise another person to solicit, 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, distribute to any person any advertising or promotional items or any printed material on a road, in a Council building or in a municipal place.

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 not without a permit, in accordance with Council’s *Busking Conditions Guidelines*, being a document incorporated by reference into this *Local Law*, 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 Council’s *Waste Collection Guidelines* and VicRoads’ *Code of Practice for the Placement of Waste Bins on Roadsides*, being documents incorporated by reference into this Local Law.

**Interference with waste**

4.25 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 or an appointed contractor.
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: Victoria's 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 online at asbestos.vic.gov.au.

General 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 Environment Protection Authority (EPA) Victoria's 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’s Noise Control Guidelines and State Environment Protection policies.

Noise from construction and demolition

4.28.4 A person must not, without a permit or written permission from an Authorised Officer, carry out or allow to be carried out construction or demolition related activities:
(a) Before 7 am or after 6 pm, Monday to Friday (inclusive);
(b) Before 9 am or after 3 pm on a Saturday;
(c) On a Sunday; or
(d) On public holidays.

4.28.5 Clause 4.28.4 does not apply to any building work which is subject to a permit issued under the Planning and Environment Act, if that permit:
(a) restricts the times during which building work may be performed; or
(b) contains conditions more restrictive than clause 4.28.4.

## 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 (for example, footpaths, parks, reserves, carparks, cycle paths etc.) for the primary purpose of safe vehicle and people movement.

## Smoke free areas

4.30.1 Council may declare an area of the municipal district to be a smoke free area, in accordance with Council’s Smoke Free Areas Guidelines, being a document incorporated by reference into this Local Law.

4.30.2 On 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.

## Significant tree and canopy tree protection

4.31.1 A person must not, without a permit, carry out any works to a significant tree or canopy tree, unless such works are conducted in compliance with Council’s Tree and Canopy Protection Guidelines, being a document incorporated by reference into this Local Law.

4.31.2 If a significant tree or canopy tree is removed, destroyed or irreparably damaged, Council’s 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 payable by the person responsible for such removal, destruction or damage.
Building sites

4.32 On any land where building work is being, or has been, carried out, the owner, builder or appointed agent must comply with the Building Sites Guidelines, being a document incorporated by reference into this Local Law.

Persons must comply with the following policies and guidelines, being documents incorporated by reference into this Local Law.

<table>
<thead>
<tr>
<th>PART 4 - Incorporated documents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Practice for the Placement of Waste Bins on</td>
<td>Busking Condition guidelines</td>
</tr>
<tr>
<td>Roadsides</td>
<td></td>
</tr>
<tr>
<td>Alcohol Restriction Areas</td>
<td>Guidelines for Real Estate Agent Signage</td>
</tr>
<tr>
<td>Noise Control Guidelines</td>
<td>Determination of Full Value of Trees for Reinstatement Costs</td>
</tr>
<tr>
<td>Fire Prevention Guidelines</td>
<td>Building Sites Guidelines</td>
</tr>
<tr>
<td>Tree and Canopy Protection Guidelines</td>
<td>Graffiti Management Policy</td>
</tr>
<tr>
<td>Smoke Free Areas Guidelines</td>
<td>Footpath Trading Policy</td>
</tr>
<tr>
<td>Shopping Trolley Guidelines</td>
<td></td>
</tr>
</tbody>
</table>
PART 5 - KEEPING OF ANIMALS

Permitted animals and birds kept on land

5.1 Except with a permit issued in accordance with Council’s Additional Animal Permit Guidelines, being a document incorporated by reference into this Local Law, or in accordance with the below table, a person must not keep or allow to be kept on land occupied by that person any animal or bird.

<table>
<thead>
<tr>
<th>Type of animal or bird kept on a property</th>
<th>Small allotment (Under 150m²)**</th>
<th>Allotment (150m² and over)***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poultry but excluding roosters *</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Caged birds</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Dogs</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Cats</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Cats and dogs</td>
<td>1 of each</td>
<td>4 combined</td>
</tr>
<tr>
<td>Rabbits</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Rodents</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Reptiles</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Racing pigeons</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Bee hives</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Farm animals</td>
<td>Only permitted by permit where there is 2,000 square metres of open land per animal</td>
<td></td>
</tr>
<tr>
<td>All other animals</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Roosters are prohibited under this Local Law.
** Farm animals, chickens, pheasants, peafowl or guinea fowl, turkeys, ducks and geese or poultry other than those specified are prohibited under this Local Law.
*** Peafowl or guinea fowl, pheasants, turkeys, ducks, geese or poultry other than those specified 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 register with the Department of Primary Industries and act in accordance with Victoria’s Apiary Code of Practice, being a document incorporated by reference into this Local Law.

NOTE: Council does not remove bees and/or wasps from private property; however, it will use its best endeavours to organise the relocation of bee swarms and colonies ethically from Council managed land through a local apiarist or registered beekeeper wherever possible.
Conditions under which animals and birds are kept

5.3 Any land or structure under ten square metres, used for housing an animal, must be maintained in a clean, inoffensive and sanitary condition, so as not to cause any nuisance and to the satisfaction of Council or an Authorised Officer.

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 Council’s Nuisance Barking Dog Kit and the Victorian Racing Pigeon Association’s Victorian Code of Practice for the Keeping and Racing of 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 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 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 and Council’s Specified Wetland 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.

Persons must comply with the following plans, policies, and guidelines, being documents incorporated by reference into this Local Law.

<table>
<thead>
<tr>
<th>PART 5 - Incorporated documents</th>
<th>Specified Wetland Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Animal Management Plan</td>
<td></td>
</tr>
<tr>
<td>Apiary Code of Practice</td>
<td>Additional Animal Permit Guidelines</td>
</tr>
<tr>
<td>Nuisance Barking Dog Kit</td>
<td>Victorian Code of Practice for the Keeping and Racing of Pigeons</td>
</tr>
</tbody>
</table>
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 Application for Infringement Internal Review, Payment Arrangement or Court Appearance, 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 an 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.

Persons must comply with the following process, being a document incorporated by reference into this Local Law.

<table>
<thead>
<tr>
<th>PART 5 - Incorporated documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Infringement Internal Review, Payment Arrangement or Court Appearance</td>
</tr>
</tbody>
</table>
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 $2,000; 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 Schedule 2 of 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.
7.3.2 A Notice to Comply must specify the time and date by which the person specified 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 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 seven (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.

Persons must comply with the following guidelines, being documents incorporated by reference into this Local Law.

<table>
<thead>
<tr>
<th>PART 7 - Incorporated documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice to Comply</td>
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<tr>
<td>Impounding Guidelines</td>
</tr>
</tbody>
</table>
## Schedule 1 - Table of incorporated and referenced documents

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<tr>
<th>Document</th>
<th>Clause</th>
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<tbody>
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<td><strong>Part 2 - Municipal places and roads</strong></td>
<td></td>
</tr>
<tr>
<td>Community Managed Events On Council Land Policy</td>
<td>2.1</td>
</tr>
<tr>
<td>Community Managed Events On Council Land Procedure</td>
<td>2.1</td>
</tr>
<tr>
<td>Community Managed Events On Council Land – Event Permit Application Form</td>
<td>2.1</td>
</tr>
<tr>
<td>Community Managed Events On Council Land – Event Risk Management Control Plan</td>
<td>2.1</td>
</tr>
<tr>
<td>Mobile Food Vehicle Policy</td>
<td>2.1 and 4.14</td>
</tr>
<tr>
<td>Mobile Food Vehicle Policy Guidelines</td>
<td>2.1 and 4.14</td>
</tr>
<tr>
<td>Application to Conduct Personal Training/Group Fitness Sessions on Moonee Valley Parklands and Open Spaces</td>
<td>2.1</td>
</tr>
<tr>
<td>Guidelines to surveillance and privacy in the Victorian public sector</td>
<td>2.1</td>
</tr>
<tr>
<td>Drone Usage Guidelines</td>
<td>2.1 – 2.2</td>
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<td>Filming in Moonee Valley guidelines</td>
<td>2.4</td>
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<tr>
<td><strong>Part 3 - Protection of Council assets</strong></td>
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<tr>
<td>Asset Protection Policy</td>
<td>3.1 – 3.6</td>
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<td>Works Within a Road Reserve Policy</td>
<td>3.1 – 3.6</td>
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<td>Building Over or Adjacent to an Easement Policy</td>
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<tr>
<td>Drainage Investigations Policy</td>
<td>3.1 – 3.6</td>
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<td>Legal Point of Discharge Policy</td>
<td>3.1 – 3.6</td>
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<tr>
<td>Temporary Road Closure and Occupancy Policy</td>
<td>3.1 – 3.6</td>
</tr>
<tr>
<td>Vehicle Crossings Policy</td>
<td>3.1 – 3.6</td>
</tr>
<tr>
<td><strong>Part 4 - Amenity, public health and safety</strong></td>
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<tr>
<td>Graffiti Management Policy</td>
<td>4.1</td>
</tr>
<tr>
<td>Fire Prevention Guidelines</td>
<td>4.11</td>
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<td>Topic</td>
<td>Page</td>
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<tr>
<td>Shopping Trolley Guidelines</td>
<td>4.13</td>
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<tr>
<td>Footpath Trading Policy</td>
<td>4.14</td>
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<tr>
<td>Guidelines for Real Estate Agent Signage</td>
<td>4.14</td>
</tr>
<tr>
<td>Advertising Signs for Community Events Policy</td>
<td>4.14</td>
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<td>Alcohol Restriction Areas</td>
<td>4.19</td>
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<td>Smoke Free Areas Guidelines</td>
<td>4.20</td>
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<td>Busking Conditions Guidelines</td>
<td>4.24</td>
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<tr>
<td>Application for Temporary Busking Permit</td>
<td>4.24</td>
</tr>
<tr>
<td>Code of Practice for the Placement of Waste Bins on Roadsides</td>
<td>4.25 and 4.26</td>
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<td>Waste Collection Guidelines</td>
<td>4.25 and 4.26</td>
</tr>
<tr>
<td>Noise Control Guidelines</td>
<td>4.29</td>
</tr>
<tr>
<td>Tree and Canopy Protection Guidelines</td>
<td>4.31</td>
</tr>
<tr>
<td>Determination of Full Value of Trees for Reinstatement Costs</td>
<td>4.31 and 2.1</td>
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<tr>
<td>Building Sites Guidelines</td>
<td>4.32</td>
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**Part 5 - Keeping of animals**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
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<tbody>
<tr>
<td>Domestic Animal Management Plan</td>
<td>5.1 – 5.7</td>
</tr>
<tr>
<td>Additional Animal Permit Guidelines</td>
<td>5.1</td>
</tr>
<tr>
<td>Victorian Code of Practice for the Keeping and Racing of Pigeons</td>
<td>5.1</td>
</tr>
<tr>
<td>Apiary Code of Practice</td>
<td>5.2</td>
</tr>
<tr>
<td>Nuisance Barking Dog Kit</td>
<td>5.4</td>
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<td>Specified Wetland Guide</td>
<td>5.7</td>
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**Part 6 - Permits**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
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<tbody>
<tr>
<td>Application for Infringement Internal Review, Payment Arrangement or</td>
<td>6.3</td>
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<tr>
<td>Court Appearance</td>
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</table>

**Part 7 - Enforcement**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
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<tbody>
<tr>
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<td>7.3</td>
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<tr>
<td>Impounding Guidelines</td>
<td>7.5</td>
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</tbody>
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Schedule 2 - Infringement notice penalties

<table>
<thead>
<tr>
<th>Clause</th>
<th>Activity</th>
<th>Penalty unit</th>
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<tbody>
<tr>
<td>2.1.1</td>
<td>Activities prohibited in Council buildings, municipal places and on roads</td>
<td>2</td>
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<tr>
<td>2.1.2</td>
<td>Feeding animals or birds in a municipal place</td>
<td>2</td>
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<td>2.1.3</td>
<td>Not complying with conditions of parking permit</td>
<td>2</td>
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<td>2.1.4</td>
<td>No permit for shared bike</td>
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<td>2.2</td>
<td>Direction to leave</td>
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<td>2.3</td>
<td>Vegetation control</td>
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<td>2.4.1</td>
<td>Filming of persons in public place</td>
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<td>2.4.2</td>
<td>Not complying with an Authorised Officer’s instructions</td>
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Part 3 - Protection of Council assets

<table>
<thead>
<tr>
<th>Clause</th>
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<tbody>
<tr>
<td>3.2</td>
<td>Protection of Council assets during tuiding works</td>
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<td>3.3</td>
<td>Interference with Council asset</td>
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<td>3.4</td>
<td>Protection and use of drains</td>
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<td>3.5</td>
<td>Drainage of land</td>
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<td>3.6</td>
<td>Vehicle crossing</td>
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Part 4 - Amenity, public health and safety

<table>
<thead>
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<th>Clause</th>
<th>Activity</th>
<th>Penalty unit</th>
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<tr>
<td>4.1.1</td>
<td>Condition of land</td>
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<td>4.1.2</td>
<td>Not complying with an Authorised Officer’s instructions</td>
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<td>Vermin and noxious weeds</td>
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<td>Machinery, materials, goods or vehicles on land</td>
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<td>Heavy vehicies kept on residential land</td>
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<td>Security alarms</td>
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<td>Description</td>
<td>Pages</td>
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<td>4.10</td>
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<tr>
<td>4.11.1</td>
<td>Fires in the open air</td>
<td>5</td>
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<td>4.11.2</td>
<td>Dilapidated and unsafe buildings</td>
<td>8</td>
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<tr>
<td>4.13.1</td>
<td>Shopping trolleys</td>
<td>2</td>
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<tr>
<td>4.13.2</td>
<td>Advertising signs, goods and furniture</td>
<td>8</td>
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<tr>
<td>4.14</td>
<td>Charity bins</td>
<td>5</td>
</tr>
<tr>
<td>4.15</td>
<td>Receptacles and obstructions on roads or municipal places</td>
<td>5</td>
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<tr>
<td>4.17.1</td>
<td>Repair of vehicles</td>
<td>4</td>
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<tr>
<td>4.17.2</td>
<td>Falling substances from vehicles</td>
<td>5</td>
</tr>
<tr>
<td>4.19.1</td>
<td>Consumption and possession of liquor</td>
<td>2</td>
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<tr>
<td>4.19.2</td>
<td>Soliciting gifts</td>
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<tr>
<td>4.21</td>
<td>Distribution of unsolicited material</td>
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</tr>
<tr>
<td>4.22</td>
<td>Persons selling goods, services or motor vehicles</td>
<td>4</td>
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<tr>
<td>4.23</td>
<td>Busking</td>
<td>2</td>
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<td>4.24</td>
<td>Restriction on use of litter bins</td>
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<tr>
<td>4.25</td>
<td>Waste collection</td>
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<tr>
<td>4.26</td>
<td>Interference with waste</td>
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<tr>
<td>4.27</td>
<td>Asbestos management from dwellings</td>
<td>10</td>
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<tr>
<td>4.28.1</td>
<td>Noise</td>
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<td>4.28.2</td>
<td>Lighting</td>
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<td>4.30.1</td>
<td>Smoke free areas</td>
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<td>4.31</td>
<td>Tree and canopy protection</td>
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### 4.32 Building sites

<table>
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<tr>
<th>Part 5 - Keeping of animals</th>
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<tr>
<td>5.1 Permitted animals and birds kept on land</td>
<td>4</td>
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<tr>
<td>5.2 Keeping of bees</td>
<td>4</td>
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<tr>
<td>5.3 Conditions under which animals and birds are kept</td>
<td>4</td>
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<tr>
<td>5.4 Noise and odour</td>
<td>4</td>
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<tr>
<td>5.5 Animal litter</td>
<td>4</td>
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<tr>
<td>5.6 Wandering animals and birds</td>
<td>4</td>
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<tr>
<td>5.7.1 and 5.7.2 Prohibited places for dogs</td>
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<th>Part 7 - Enforcement</th>
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<tr>
<td>7.3 Failure to comply with notice</td>
<td>5</td>
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<tr>
<td>7.5 Obstructing objects</td>
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Local Law Community Impact Statement - Activities and General Amenities Local Law 2018

PART A – General comments

Background

In accordance with section 111 of the Local Government Act 1989 (the Act) councils may make local laws for or with respect to any act, matter or thing in respect of which the council has a function or power under the Act or any other Act.

Local laws therefore enable councils to implement controls that reflect the different circumstances, needs and objectives of each municipality.

Moonee Valley City Council’s current General Purposes Local Law 2008, which commenced on 28 August 2008, is a broad based local law that regulates and controls certain activities within the municipality, including the use of Council land and roads. It contains measures intended to protect community assets, such as requiring a permit to be obtained before works on Council land or roads can be commenced.

Since the adoption of Council’s General Purposes Local Law 2008, Council has successfully regulated activities within the municipality and enforced breaches where necessary. The General Purposes Local Law 2008 is due to expire on 28 August 2018.

A review of Council’s existing local law commenced in April 2017 and included an internal consultation process with various Council departments responsible for enforcing and administering Local Laws. It is proposed that Council’s Activities and General Amenities Local Law 2018, will replace the existing General Purposes Local Law 2008 from 1 July 2018.

A timeline of the review, drafting and consultation process is provided below.

The objectives of the proposed Activities and General Amenities Local Law 2018 are to provide for the peace, order and good government of Moonee Valley by:

1. Regulating and controlling uses and activities on Council land and roads so that Council is aware of uses or activities which may:
a. be detrimental to the amenity of the area or the enjoyment of facilities on land or roads;
b. cause damage to Council and community assets;
c. create a danger or expose others to risk;
d. interfere with the safety and convenience of people travelling on or using Council land or roads; and
e. impede free and safe access for people, in particular those with sight and movement impairment or disabilities.

2. Managing, regulating and controlling activities and uses on any land which:
   a. may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
   b. are directed at maintaining neighbourhood harmony and a healthy and safe environment for residents and visitors;
   c. promote community expectations and demands about their lifestyle and the availability of goods and services provided to them; and
   d. create a sense of community pride in the municipal district, and which promote Moonee Valley as a place to live and do business.

3. Identifying activities and uses that are not permitted; and

4. Providing for the administration of Council’s powers and functions so that they can be applied, having regard to the objectives in sub-clauses (1) and (2), in a fair and practicable way.

The proposed local law adopts a streamlined approach, significantly reducing the size of the document by removing duplicitious clauses.

Council will retain its meeting procedures local law, the Governance Local Law 2009, which is due to expire in September 2019.

Legislative requirements

The Act sets out a number of restrictions and limitations on developing local laws, including the requirement that a local law must not be inconsistent with any Act or regulation and it cannot duplicate or be inconsistent with the Planning Scheme.

There are specific matters in schedule 8 of the Act which must be taken into account when developing a local law, including the requirement that a local law not make unusual or unexpected use of powers and consideration must be given to national competition policy principles. In addition, a local law must not restrict competition unless it can be shown that there are overriding community benefits and the objectives of the local law can only be achieved by restricting competition.
The Act also requires councils to have regard to any guidelines published by the Minister for Local Government about the preparation, content and format of local laws and information to be included in any explanatory documents prepared in relation to local laws. Guidelines published by the Minister for Local Government in 2010 have been considered during the review and development of the proposed local law and this document.

The process

The proposed local law results from an extensive review and analysis of the existing local law, and takes into consideration the requirements of the Act and community views.

The following matters were also taken into consideration:

- What controls are needed?
- What is the risk both to Council and the community if certain controls are not in place?
- Is there any relevant state legislation that may be available to deal with the matter?

In April 2017, internal consultation commenced, to identify current issues associated with the enforcement of Council’s existing local law. Council officers who work with the current local law on a daily basis have been involved in the preliminary stages of the review, identifying areas that worked well, areas that did not work well, controls thought to be no longer needed and possible new controls that may be required over the life of the next local law.

Several sessions were also held with officers, team leaders and coordinators from various Council departments that exercise functions under the current local law, and their input into future changes or enhancements were obtained. This has helped to improve the functionality of the proposed local law, particularly where legislation has been enacted since the introduction of Council’s current local law, such as the Road Management Act 2006, which superimposed controls on a range of road functions already exercised by councils under the Act.

Discussion also focused on any new controls that might be needed, and whether Council should become involved in some matters at all, such as noise complaints, as whilst Councils currently have the power to regulate domestic noise, the powers regulating noise emanating from other sources is less clear.

Another consideration is whether Council can meet expectations once controls are included in a local law. This involved giving consideration to the following matters:

- Have circumstances changed since the local law was originally made?
Does Council have sufficient resources available to adequately administer and enforce the local law; and

Can provisions be improved to add to the clarity and enforceability of the controls?

An analysis of the complaints and concerns referred to Council’s Local Laws department by community members over the last three years was also undertaken. The complaints concerned noise, waste control and litter from commercial properties.

The following matters were considered as part of the review process:

- identification of all permits issued by Council and referenced in the local law;
- aligning the definitions of the local law with other relevant legislation and policies;
- aligning the local law with relevant policies or introduction of a procedures and protocol;
- improving the ability for Council to control behaviors in parks and public land;
- adopting a consistent approach to the enforcement of nature strips (subject to adoption of draft policy);
- reviewing the number of animals and birds that may be kept without a permit;
- identifying control measures to manage activities from Council managed land;
- improving the ability for Council to manage potential nuisance uses and activities from residential and commercial premises such as:
  - noise;
  - waste, including litter;
  - storm water;
- introducing additional requirements for management of commercial waste;
- introducing a schedule of penalty units for offences;
- introducing a mechanism to review penalty provisions;
- introducing incorporated documents, to provide flexibility should the proposed local law need to be amended to reflect community expectations and matters as they develop or arise.

Structure of the proposed local law

The format of the proposed local law has been changed to more clearly identify and highlight key components. It endeavors to be more comprehensive in its content through the incorporation of Council procedures and operating guidelines, which will provide greater clarity and transparency to the community on the Council decision making process when dealing with local law issues.

It further ensures that a consistent approach is undertaken, should a matter progress to the Magistrates’ Court as part of the enforcement process.
## PART B – Comments on proposed local law

<table>
<thead>
<tr>
<th>Measures of success of proposed local law</th>
<th>Council will measure the success of the local law by:</th>
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<tbody>
<tr>
<td></td>
<td>• monitoring the type of complaints and the levels of compliance in relation to local law requirements;</td>
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<tr>
<td></td>
<td>• monitoring compliance levels for managing Council assets;</td>
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<td></td>
<td>• monitoring success in reducing nuisance and inconvenience in relation to traffic and road impacts associated with building works by service authorities.</td>
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<tr>
<td></td>
<td>Council will report to the community on satisfaction levels with the local law.</td>
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</tbody>
</table>

| Existing legislation that might be used instead | The proposed Activities and General Amenities Local Law 2018 will supplement existing state legislation administered and enforced by Council. |

| State legislation more appropriate | In circumstances where Council has considered state legislation is more appropriate to deal with particular issues, those clauses have been removed in favour of relying on the state legislation. |

| Overlap of existing legislation | Council does not consider that any provision of the proposed Activities and General Amenities Local Law 2018 overlaps with state legislation. |

| Overlap of planning scheme | Council does not believe that any provision of the proposed Activities and General Amenities Local Law 2018, overlaps, duplicates or is inconsistent with the Planning Scheme. |

| Risk assessment | Council has adopted a risk management approach to the review and development of the proposed Activities and General Amenities Local Law 2018. |
### Legislative approach adopted

Council believes in minimum imposition on the community through its local law.

The proposed Activities and General Amenities Local Law 2018, reflects this approach by providing:

- reasonable penalties;
- a minimum number of provisions which create offences;
- where possible, provision for permits rather than prohibition of activities;
- reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the local law; and
- reasonable enforcement procedures, including giving warnings where appropriate, provision of an internal review process for infringement notices and refusal of permit applications.

Council has ensured that the proposed Activities and General Amenities Local Law 2018:

- is expressed plainly, unambiguously, in a manner which is consistent with the language of the Act and in accordance with modern standards of drafting applying in Victoria;
- is not inconsistent with the principles, objectives or intent of the Act;
- does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made, having regard to the general objectives, intention or principles of that Act;
- does not embody principles of major substance or controversy or constrain any matter which principles or matters should properly be dealt with by an Act and not by subordinate legislation;
- does not unduly trespass on rights and liberties of the person previously established by law;
- does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions;
- is not inconsistent with principles of justice and fairness; and
- does not overlap or conflict with other statutory rules or legislation.
### Restriction of competition
Council has conducted a review of the proposed Activities and General Amenities Local Law 2018 in accordance with National Competition Principles.

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the proposed local law can only be achieved by restricting competition.

### Penalties
The penalty amounts established in the proposed local law are designed as a deterrent and are considered to be appropriate. They are in line with the state government’s penalty regime, will be reviewed annually and are scaled to reflect the impact of the offence on the community.

Schedule 2 of the proposed Activities and General Amenities Local Law 2018 outlines the penalty for offences under the various sections of the local law provisions.

The penalty amounts will be reviewed annually through the Council budget process, to remain in line with community expectations.

### Permits
A number of provisions in the proposed Activities and General Amenities Local Law 2018 require permits for various activities to be obtained.

### Fees
The proposed local law allows Council to set fees annually and this will be done as part of the budget process.

### Performance standards or prescriptive
Where appropriate and possible, Council has adopted a performance based approach to various provisions of the proposed local law.
In drafting the proposed local law, Council examined the local laws of the following neighboring councils:

- Darebin City Council
- Yarra City Council
- Melbourne City Council
- Maribyrnong City Council
- Moreland City Council

The purpose of conducting this exercise was to assess the similarities and differences between the councils, to ensure a best practice approach was adopted in the drafting of the proposed local law.

Council considered the relevant provisions of the Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter) in the development of the proposed local law, to ensure it does not encroach upon a person’s basic human rights, freedoms and responsibilities.

As a public authority, Council appreciates its obligation to ensure that local laws are interpreted and applied consistently with human rights. Council has assessed the proposed local law for compatibility with the Charter and has found no inconsistencies.

The limitations are legitimate, reasonable and proportionate to the objectives and values of a free and democratic society.

The consultation process included sessions / workshops with:

- local traders’ associations
- local residents
- Council’s Business Promotion Portfolio Advisory Committee

In addition, a stall was held at the Moonee Valley Festival 2018, to seek community feedback.

The consultation process resulted in some changes to the current proposed local law, which will be reported back to Council prior to adoption.
| Submissions | The submission process was conducted in accordance with the legislative requirements prescribed under section 223 of the Act. These requirements outline the process for consulting with the public and calling for submissions. This includes; Council to publish a public notice calling for written submissions in relation to the proposed local law. Those submissions are then considered by Council as part of the consultation process. Where agreed to by Council, the changes will be incorporated into the final version of the proposed local law and then put to Council for adoption. |
Local law review timeline

<table>
<thead>
<tr>
<th>STAGE 1: Community consultation and s223 process</th>
<th>February 2018</th>
<th>March 2018</th>
<th>April 2018</th>
<th>May 2018</th>
<th>June 2018</th>
<th>July 2018</th>
<th>August 2018</th>
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<tr>
<td>Council endorse draft local law and CIS for consultation</td>
<td>27</td>
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<td>Statutory notices in local papers and Government Gazette</td>
<td>7 &amp; 8</td>
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<td>Community consultation, including into sessions</td>
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<td>Council to hear submissions (if required)</td>
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<tr>
<td>Amend draft following submissions (if required)</td>
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<td>Brief Council on changes following consultation</td>
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<tr>
<th>STAGE 2: Approval and implementation of local law</th>
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<td>Report to Council for adoption of local law and CIS</td>
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<td>Local law commences / existing local law repealed</td>
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<td>Follow up statutory requirements and processes</td>
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<td>Expiration of existing local law</td>
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