



# Manningham

## Community Local Law 2023

1 July 2023

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## **PART 1 – PRELIMINARY**

### **1. Title**

This Local Law is titled Community Local Law 2023.

### **2. Objectives**

The objectives of this Local Law are to:

- (a) regulate activities and conduct for the benefit and wellbeing of the municipal community; and
- (b) ensure the peace, order and good governance of the municipal district.

### **3. Power to make this Local Law**

This Local Law is made pursuant to section 71 of the Act and section 42 of the *Domestic Animals Act 1994*.

### **4. Commencement and revocation**

4.1 This Local Law:

- (a) commences on 1 July 2023; and
- (b) unless earlier revoked, will cease to operate 10 years after the date on which it commenced.

4.2 On the commencement of this Local Law, Council's *Community Local Law 2013* is revoked, save that any notice or approval given, permit issued or matter or thing commenced under the repealed Local Law, is not affected.

### **5. Application**

This Local Law applies throughout the municipal community and anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.

### **6. Definitions**

In this Local Law, words which are not defined will adopt their ordinary meaning, and unless the contrary intention appears, the following words have the meaning ascribed:

**Act** means the *Local Government Act 2020*;

**Authorised Officer** means an officer authorised by Council under section 224 or 224A of the *Local Government Act 1989*;

**Building site** means the land upon which building work is being undertaken and includes a work site;

**Building work** means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building or installation of a swimming pool including landscaping, concreting, subdivision and road construction;

**Bulk rubbish container** means a bin, skip or other container used for the deposit of waste, but excludes an approved garbage bin;

**Busk or busking** means to entertain by performing;

**Camp** means a tent, annexe or similar structure, a sleeping bag, a caravan, mobile home or other moveable vehicle being used to provide accommodation;

**Clothing recycling bin** means a bin or similar structure used for the collection of used clothing and other goods;

**Council** means Manningham City Council;

**Council asset** means any road, drain, infrastructure, vehicle crossing, vegetation (including street trees) or other property owned, vested in or under the management of Council;

**Council land** means any land, including reserves or roads which are owned, vested in, managed by or under the control of Council and includes any building or structure on that land, within a reserve or on a road;

**Dangerous** includes the presence or storage of any item, matter, thing or condition likely to cause a risk to health or safety, excluding trees on privately owned land, unless such trees pose a safety risk to a public place or constitute a fire hazard;

**Environmental weed** means a weed listed in Schedule 4;

**Hard rubbish** includes house-hold furniture and other items and excludes waste;

**Incorporated document** means any document, guidelines, policy, plan or code of practice incorporated by reference into this Local Law as listed in Schedule 1;

**Land** means land which is privately owned or occupied, irrespective of its zoning under the Planning Scheme;

**Minor building work** means building work valued at less than \$10,000, excluding demolition and removal of buildings and structures and installation of swimming pools (regardless of value);

**Noxious weed** means vegetation proclaimed by the *Catchment and Land Protection Act 1994* to be a noxious weed;

**Nuisance** includes any behaviour, condition, matter or thing which may be annoying, offensive or dangerous to health or safety;

**Open air burning** means a fire lit in the open air or within an incinerator for the purpose of burning vegetation for fuel control or reduction purposes;

**Organised activity** means an activity conducted in a reserve upon payment of a fee to the organiser;

**Penalty units** has the same meaning used in the *Sentencing Act 1991*;

**Person** includes a natural person and a body corporate;

**Person in charge** means the person or persons whether natural or incorporated, who has or have management responsibility for building works or a building site and includes the owner of the subject land, the developer and any other person who has control of the building site or the building works being carried out;

**Pest animal** means animals proclaimed under the *Catchment and Land Protection Act 1994* to be a pest animal;

**Planning Scheme** means the Manningham Planning Scheme;

**Public place** has the same meaning as in section 3 of the *Summary Offences Act 1966* which includes any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare;

**Receptacle** means a container used for the placement of waste;

**Recreational vehicle** includes mini-bikes, motor bikes, motor scooters, go-carts and any other vehicle which is propelled by a motor used for recreational purposes;

**Reserve** means open spaces including parks and gardens which are owned, occupied or under the control of Council;

**Residential land** means land zoned as Low Density, Mixed Use, Residential Growth, General Residential or Neighbourhood Residential under the Planning Scheme;

**Retailer** means a commercial organisation which supplies shopping trolleys;

**Road** has the same meaning as in the *Local Government Act 1989* so that it includes:

- (a) a street;
- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*;
- (ca) a public road under the *Road Management Act 2004*;
- (d) a passage;
- (e) a cul de sac;
- (f) a by-pass;
- (g) a bridge or ford;
- (h) a footpath, bicycle path or nature strip; and
- (i) any culvert or kerbing or other land or works forming part of the road;

**Schedule** means a Schedule to this Local Law;

**Unightly** means –

When used in relation to *land*, includes land which contains:

- (a) unconstrained rubbish;
- (b) excessive building materials;
- (c) discarded, rejected, surplus or abandoned solid or liquid materials;
- (d) dilapidated structures;
- (e) graffiti;
- (f) machinery or machinery parts visibly stored for more than 28 days;
- (g) unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar, visibly stored on the land for more than 2 months;
- (h) anything being built which is left incomplete and is detrimental to the appearance of the surrounding area; or
- (i) any other thing making the land visually unsightly or detrimental to the general amenity of the area, including land which is neglected or unsecured;

When used in relation to *buildings*, includes buildings which are:

- (a) derelict;
- (b) abandoned;
- (c) damaged;
- (d) neglected;
- (e) incomplete;
- (f) unsecured; or
- (g) any other thing making the building visually unsightly or detrimental to the general amenity of the area.

**Vehicle** has the same meaning under the *Road Safety Road Rules 2017*;

**Waste** includes putrescible, recyclable and green waste; and

**Works** includes:

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



## **7. Operator Onus**

The operator onus provisions under Part 6AA of the *Road Safety Act 1986* apply to any provision of this Local Law which involves vehicles.

## **PART 2 – COUNCIL LAND**

### **8. Conduct on Council land**

A person must not, on Council land:

- (a) commit any nuisance;
- (b) conduct an activity or behave in a manner which may likely interfere with another person's reasonable use and enjoyment;
- (c) act in a manner which endangers, causes harm to or injures any person or animal;
- (d) damage, destroy, obstruct or interfere with anything;
- (e) act contrary to any applicable conditions of use or signage; or
- (f) act contrary to any lawful direction of an Authorised Officer or person in charge of a Council facility.

### **9. Permitted activities on Council land**

A person must not, without a permit, on Council land:

- (a) conduct a commercial event or activity;
- (b) participate in, or enable others to participate in an organised activity;
- (c) hold or permit to be held a circus, carnival, festival or non-commercial event;  
or
- (d) use a vehicle unless it is in an area permitted for vehicles to traverse.

### **10. Restrictions on entry**

A person must not use or enter a reserve or playing arena:

- (a) when the public is prohibited; or
- (b) without paying the applicable charge or entrance fee;

unless the prior consent of Council is obtained.

### **11. Gateways to reserves**

A person must not, without a permit, install or maintain a gate or other structure to facilitate entry into a reserve from privately owned land.

## **12. Wetlands and fountains**

A person must not enter, swim, paddle, bath, dive or jump in a wetland or fountain on Council land.

## **13. Shopping trolleys**

13.1 A person must not leave a shopping trolley other than in the area designated for collection.

13.2 Where a retailer provides more than 25 shopping trolleys, the retailer must:

- (a) ensure that the shopping trolleys are fitted with either a functioning coin deposit and release mechanism or an alternate, locking mechanism approved by Council;
- (b) ensure no shopping trolley of that business is left on any road or Council land unless it is left in an area set aside for shopping trolley collection; and
- (c) demonstrate to Council's satisfaction that they have a regular collection system in place and undertake to respond to reports to collect shopping trolleys responsively.

13.3 A retailer, served with a Notice of Impoundment must collect any impounded shopping trolleys within the time specified in that Notice.

13.4 Council may exempt a retailer from the application of clause 13.2.

## **14. Bulk Rubbish Containers and Shipping Containers**

14.1 A person must not, without a permit, place or cause to be placed a bulk rubbish container or shipping container on Council land.

14.2 Unless permitted under the Planning Scheme, a person must not, without a permit place a shipping container on residential land for a period longer than six months.

## **15. Property numbering**

15.1 The owner or occupier of a property to which Council has allocated a property number, must ensure that the property number is clearly displayed so as to be visible from an adjoining road.

15.2 A person must not number or display a number in respect of a property unless the number has been allocated to or approved for use by Council in relation to that property.

**16. Advertisements and Graffiti**

A person must not, without a permit:

- (a) write, draw, paint or mark; or
- (b) affix a poster, sign or advertisement -

on Council land, on a Council asset or in a public place.

**17. Clothing Recycling bins**

A person must not, place a clothing recycling bin on Council land.

**18. Filming**

A person must not, without a permit, engage in commercial filming or photography on Council land.

**19. Consumption of alcohol**

- 19.1 A person must not, without a permit, consume, carry or have in their control, an open container of alcohol in an area prohibited by Council as shown in the maps listed in Schedule 2.
- 19.2 Clause 19.1 does not apply to premises within those prohibited areas which are licensed under *the Liquor Control Reform Act 1998*.
- 19.3 In addition to the areas shown in Schedule 2, the Council's Chief Executive Officer may designate any other area of the municipality to be an alcohol prohibited area for a specified period.

***Division 1 – Vehicles***

**20 Repair of vehicles**

- 20.1 A person must not repair or carry out works to a vehicle on Council land.
- 20.2 Clause 20.1 does not apply to minor repairs being undertaken to a temporarily immobile vehicle.

**21. Abandoned vehicles**

- 21.1 A person must not leave an abandoned, damaged or dilapidated vehicle on Council land.

21.2 For the purposes of clause 21.1, a vehicle will be considered by Council to be abandoned if the vehicle has not been moved for 2 months.

**22. Display of vehicles for sale**

A person must not park a vehicle for the purpose of advertising that vehicle for sale on Council land.

***Division 2 – Trading***

**23. Itinerant trading**

Unless approved by Council, a person must not offer for sale, or authorise another person to offer for sale, any goods or services from their person, a vehicle or structure on Council land.

**24. Footpath trading**

A person must not, without a permit:

- (a) display an advertising sign;
- (b) offer goods for sale; or
- (c) place any other furniture or item –

on Council land.

## **PART 3 – AMENITY, HEALTH & SAFETY**

### ***Division 1 – Condition of Land***

#### **25. Condition of land and buildings**

An owner or occupier of land must not cause or allow that land, including any buildings on that land, to be kept in a manner which is:

- (a) unsightly; or
- (b) dangerous or likely to cause danger to life or property.

#### **26. Vehicles on residential land**

An owner or occupier must not, without a permit, keep or allow to be kept, a vehicle that:

- (a) has a gross vehicle mass of in excess of 4.5 tonnes; or
- (b) together with any load or projection, measures 7.5 metres or more in length –

on residential land.

*NOTE: This clause excludes caravans.*

#### **27. Vehicles and machinery**

A person must not, without a permit, use residential land to:

- (a) store;
- (b) dismantle;
- (c) repair; or
- (d) service –

old or second-hand vehicles or machinery in circumstances where the activity or use causes a detrimental amenity impact.

#### **28. Pest animals, vermin and noxious weeds**

28.1 An owner or occupier of land must take reasonable steps to prevent pest animals, vermin and noxious weeds existing on that land.

28.2 Clause 28.1 does not apply to bees being kept on land in accordance with the Apiary Code of Practice.

### **29. Environmental weeds**

An owner or occupier of land affected by an Environmental Significance, Significant Landscape or Vegetation Overlay under the Planning Scheme, must remove environmental weeds as identified in Schedule 4 from that land when directed to do so by an Authorised Officer, after having obtained any necessary planning approvals.

### **30. Overhanging obstructions**

The owner or occupier of land must not permit anything located on the land to overhang the boundary of the land so as to:

- (a) obstruct the clear view of a pedestrian or the driver of any motor vehicle travelling along the road abutting the land;
- (b) encroach upon any adjacent road or Council land;
- (c) otherwise prejudice the safe and convenient use of any road abutting the land by pedestrians or drivers; or
- (d) obscure street lights or a traffic control item.

### **31. Audible alarm**

An owner or occupier of land must not allow an audible alarm to operate on that land which emits noise beyond the land boundary, unless the alarm:

- (a) is inaudible beyond the boundary of the land within 10 minutes of being activated; and
- (b) cannot reactivate until it has been manually reset.

## ***Division 2 – Open air burning and fires on land***

### **32. Fires on public land**

A person must not light a fire:

- (a) on a road (including a road reserve, footpath or nature strip);
- (b) on Council land;
- (c) on Crown land that is vested in or is under the control of Council; or
- (d) in a public place -

unless they have obtained Council's prior written consent.

### 33. General provisions when lighting fires

*NOTE: The requirements of clause 33 apply to all fires lit within the municipal district including fires lit in the open air for fuel reduction purposes and fires lit for warmth or cooking.*

33.1 A person who has lit or allowed a fire to remain alight must ensure that:

- (a) the fire is supervised by an adult at all times;
- (b) sufficient fire protection equipment is available to extinguish the fire if required or directed;
- (c) the material to be burnt is -
  - i. dead and dry prior to lighting it; or
  - ii. a specific material designed for the purposes of meal preparation or personal comfort -
- (d) at the site of the fire, the wind speed must not exceed 20 kilometres per hour;
- (e) the ground and air space within a distance of three metres from the outer perimeters and uppermost point of the fire are clear of flammable material; and
- (f) the land is not vacant.

33.2 A person must not light a fire on any land:

- (a) when a smog alert has been declared by Environment Protection Authority of Victoria;
- (b) when a day of total fire ban has been declared by the Country Fire Authority;
- (c) when a fire danger period has been declared under the *Country Fire Authority Act 1958* without first obtaining a permit from the Municipal Fire Prevention Officer or the Country Fire Authority;
- (d) where the smoke from that fire is excessive, offensive or a nuisance to another person in the vicinity, or beyond the property boundary;
- (e) where the fire causes a hazard to a person's health;
- (f) where the fire has an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a public road; or
- (g) where the fire creates a hazard on, or near, a public road.

33.3 A person must not light a fire on land to burn, cause or allow to be burnt any:

- (a) green or wet material;
- (b) non timber based building materials;
- (c) rubber or plastic, including plastic mulch, plant pots and packaging materials;



- (d) furnishings and carpet;
- (e) manufactured chemicals;
- (f) petroleum or oil products; paint, including any container in which item is kept;
- (g) food waste, manure and straw;
- (h) carcasses or dead animals, unless prescribed by the Department of Primary Industries as the only means of disposal; or
- (i) other offensive, noxious or toxic matter.

### **34. Open air burning**

*NOTE: For the purposes of clause 34, the term 'Open air burning' is defined under the Local Law to mean a fire lit in the open air or within an incinerator for the purpose of burning vegetation for fuel control or reduction purposes.*

#### **Open air burning – Land 2,500sqm or less**

- 34.1 A person must not conduct open air burning on land having a total area less than or equal to 2,500 sqm.
- 34.2 The restriction in sub-clause 34.1 does not apply to:
- (a) a barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
  - (b) a fire in a brazier or chimenea while it is being used for heating;
  - (c) a tool of trade while being used for the purpose for which it was designed;
  - (d) a fire lit during the course of duty by a member of a fire and emergency services agency;
  - (e) a fire where the Council has granted a permit because it considers that the specific circumstances of the case enable it to provide an exemption; or
  - (f) a fire lit for the purposes of meal preparation or personal comfort.

#### **Open air burning – Land greater than 2,501sqm**

- 34.3 Where a person wants to burn in the open air under this clause and the requirements in sub-clause 34.4 cannot be complied with, a person must first obtain a permit from Council.
- 34.4 A person may conduct open air burning on land where the land size is equal to or greater than 2,501 sqm provided that:
- (a) the general burning provisions in clause 33 are complied with;

- (b) the land is not vacant;
- (c) it is not a Sunday;
- (d) no burning, or any fire remains alight in the open air prior to sunrise, or after sunset;
- (e) the fire is not within 10 metres of any neighbouring property;
- (f) the maximum diameter of any material which is to be burnt is 200mm;
- (g) only a single pile is ignited at any time and must be no greater than 2 cubic metres in size;
- (h) prior to ignition, the fire has been registered to burn with the Emergency Services Telecommunications Authority; and
- (i) if the land is located to the West of the Mullum Mullum Creek, the open air burning is only conducted on that land during the months of May, October and November.

### **35. Extinguishing fires**

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

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

### **36. Chimneys**

A person who owns or occupies land must not allow any chimney on that land to discharge, ash, smoke or dust to such an extent that it becomes a public nuisance, or is dangerous or is likely to be dangerous to the health and safety of any person or animal, or is harming or likely to be harmful to the environment.

## ***Division 3 – Use of Land***

### **37. Recreational vehicles**

37.1 An operator or responsible person must not, in a public place, ride or cause or allow to be ridden any unregistered recreational vehicle except where the use is authorised by signs placed on the land by Council, or is permitted to do so under an Act or regulation.

- 37.2 An operator or responsible person must not on any land, that is not a public place, use or permit to be used a recreational vehicle except where the use is authorised by signs placed on the land by Council or is permitted to do so under an Act or Regulation.
- 37.3 The owner or occupier of any land must not, without a permit, allow a person to use a recreational vehicle on that land.
- 37.4. This clause does not apply if, in the opinion of an Authorised Officer, the use of the subject vehicle at the relevant time is for a use other than recreational purposes.

*Note – Unregistered recreational vehicle is defined as any wheeled conveyance, powered by a motor that is not registered under the provisions of the Road Safety Act 1986.*

### **38. Camping**

- 38.1 A person must not, camp on Council land unless it is in a designated camping area permitted by Council.
- 38.2 A person must not camp on vacant private land in the municipal district.
- 38.3 A person may occupy a caravan or similar on land where there is an existing dwelling for a cumulative period of not more than 6 months in any 12 month period provided that:
- (a) appropriate sanitary facilities are available to the land; and
  - (b) there is no detrimental effect on the amenity of adjoining properties.
- 38.4 A person must not, without a permit, occupy a caravan on land in excess of the period prescribed in clause 38.3.

### **39. Trailers**

A person must not leave a trailer containing rubbish for more than 7 consecutive days on Council land.

### **40. Collections and fundraising**

- 40.1 A person must not, without a permit, solicit, collect or fundraise on Council land.
- 40.2 Clause 40.1 does not apply to any solicitation or distribution of printed electoral material or to the collection of signatures for a petition.

### **41. Busking and spruiking**

A person must not, without Council approval, busk or spruik on Council land.

## **42. Signs**

A person must not, without Council approval, display or cause to be displayed a sign, on any Council land.

## **PART 4 – WASTE & WASTEWATER**

### ***Division 1 – Waste***

#### **43. Maintaining a receptacle**

An occupier of land where waste is generated, must keep a receptacle that is:

- (a) fitted with a secure lid and handle;
- (b) kept in a clean, sanitary and inoffensive condition; and
- (c) approved by an Authorised Officer in writing, if using a non-Council issued receptacle.

#### **44. Use of receptacle**

A person supplied with a Council issued or approved receptacle, must ensure that:

- (a) the receptacle is only used for the purpose for which it was provided or obtained;
- (b) any rubbish which spills from the receptacle onto the road is removed;
- (c) the receptacle is not filled with inappropriate materials including non-domestic waste or burning, hazardous or dangerous materials;
- (d) the receptacle is not overloaded to weight exceeding 75kg;
- (e) the lid of the receptacle is unobstructed and able to fully close;
- (f) when being collected the receptacle is placed:
  - (i) adjacent to the kerb, or road if there is no kerb or in any other manner as directed by an authorised officer in writing;
  - (ii) at least one meter from any obstruction or parked vehicle;
  - (iii) out for collection no more than 18 hours before collection; and
  - (iv) inside the land the same day as which it was collected.

#### **45. Interference with waste**

A person must not, without the consent of an Authorised Officer, remove or interfere with any waste placed out for Council collection.

#### **46. Commercial waste**

An occupier of land where commercial waste is generated must ensure that any receptable used to collect that waste is:

- (a) constructed of impervious materials as approved by Council;
- (b) provided with a removable drainage plug if required by an Authorised Officer of a sufficient size and placed in a suitable location to allow the receptacle to be cleaned;
- (c) provided with a fly and vermin proof fully closing lid;
- (d) kept in a clean, sanitary and inoffensive condition;
- (e) placed in an area of the land which:
  - (i) is constructed of an impervious surface approved by Council;
  - (ii) provides proper drainage as required by Council; and
  - (iii) is screened and is adequately fenced as required by Council.

#### **47. Hard rubbish and bundled garden waste collection**

47.1 Where an occupier of land has arranged for hard rubbish or bundled garden waste to be collected, such rubbish must be placed out for collection:

- (a) in a manner which does not cause an obstruction to road users or pedestrians; and
- (b) in accordance with any Council issued directives regarding size, location and permitted contents of the hard rubbish.

47.2 Any items which are deemed not acceptable and which are not collected by the contractor must be removed by the occupier of the land from the nature strip within 48 hours.

### ***Division 2 – Food waste***

#### **48. Food waste disposal**

The proprietor of a food premises must:

- (a) not discharge wastewater generated in that food premises to stormwater;
- (b) ensure that the nature and quantity of waste generated from that food premises is stored and disposed of in an appropriate manner;
- (c) maintain waste disposal areas in a clean and sanitary condition; and
- (d) ensure that there is a food waste disposal program approved by Council:
  - (i) kept on the premises at all times; and
  - (ii) made available for inspection when requested by an Authorised Officer.

### ***Division 3 – Wastewater management***

#### **49. Unsewered land**

An owner or occupier of land which is unsewered, must ensure that:

- (a) a septic system is in place and is operating effectively;
- (b) domestic wastewater is discharged from that land in accordance with Council's *Domestic Wastewater Management Plan*, being an incorporated document into this Local Law; and
- (c) the septic system is to be inspected and approved by a licensed plumber in accordance with the requirements of Council's *Domestic Wastewater Management Plan*, being an incorporated document into this Local Law.

## **PART 5 – COUNCIL ASSETS & DRAINS**

### ***Division 1 – Council Land and Roads***

#### **50. Interference with Council land and Council assets**

- 50.1 A person other than a utility, must not, without a permit, on Council land or to a Council asset:
- (a) carry out any works;
  - (b) place, authorise the placement of or use any building materials;
  - (c) place, authorise the placement of or use a mobile crane;
  - (d) remove, damage, destroy, interfere, alter or tap into a Council asset;
  - (e) occupy that land; or
  - (f) cause, allow or place an obstruction or encroachment.
- 50.2 The Council may require that a person who undertakes works on a road or Council land pay a bond which must be proportionate to the potential cost of repairing any damage to the road or Council land.
- 50.3 The bond may be held for the duration of the works plus a maintenance period of twelve months and must be refunded at the end of this period or applied by the Council to offset the cost of repairing any damage.

#### **51. Spoil on roads**

A person must not drive or cause to be driven, a vehicle from land onto a road:

- (a) unless the wheels of that vehicle are clean; and
- (b) carrying any soil, earth, clay or debris in such a manner that it is, or is likely to be, deposited onto the road.

#### **52. Vehicle crossings**

An Authorised Officer may require an owner of land to:

- (a) construct;
- (b) repair;
- (c) reinstate;
- (d) remove; or
- (d) maintain -

either a temporary or permanent vehicle crossing.



**53. Vegetation damage**

An owner or occupier of land must not allow vegetation on that land to cause damage to or interfere with Council land or Council assets.

***Division 2 – Asset Protection***

**54. Asset protection permit**

Prior to the commencement of building work on land, the person in charge of that building work must apply to Council and obtain an Asset Protection Permit.

**55. Control of building sites**

55.1 A person in charge of a building site or works site for which a building permit has been issued must comply with Council's Building and Works Code of Practice being a document incorporated by reference into this Local Law.

55.2 A person in charge of a building site or a works site on land for which a building permit or works permit has been issued, must obtain an Asset Protection Permit prior to the commencement of work on the building site or works site.

55.3 The requirements of this clause do not apply where minor building work is being undertaken.

55.4 Council may issue an Out of Hours Permit to vary work times where Council deems it appropriate to do so.

***Division 3 – Drains***

**56. Drains on private land**

56.1 An owner of land must not allow a privately owned drain on that land to be in a condition which is:

- (a) dangerous to health or safety;
- (b) unsightly;
- (c) causing a nuisance; or
- (d) impacted by vegetation.

56.2 An owner of land must ensure that the land:

- (a) is drained to the satisfaction of an Authorised Officer;

- (b) does not contain equipment which discharges water onto a footpath; and
- (c) a body of water that compromises health or safety.

56.3 An owner or occupier of land which contains a drain required to be maintained by Council, must notify Council as soon as practicable if the drain becomes blocked or is not operatively effectively.

## **57. Drainage easements**

A person must not, on land affected by a drainage easement:

- (a) block or interfere with the easement;
- (b) prevent access to the easement; or
- (c) carry out works in the easement.

## PART 6 – ANIMALS

### 58. Keeping animals

An owner or occupier of any residential land must not, without a permit, keep or allow to be kept on land any more of each of the species or group, or type of animals than is stated in the following Table, having regard to the size of the land where the animal is to be kept -

Animal / Bird	<499 sqm	500-1,199 sqm	1,200-2,499 sqm	2,500-4,999 sqm	>5,000sqm	>10,000 sqm
Dogs	1	2	2	3	3	3
Cats	2	2	2	2	2	2
Horses, Donkeys or similar	0	0	0	1	2	3
Sheep, Goats, Llamas or similar	0	0	1	2	4	6
Pigs	0	0	0	0	0	0
Roosters	0	0	0	0	0	0
Poultry, Fowl or similar	0	5	10	10	10	20
Cattle	0	0	0	0	0	1

#### NOTES

1. *The limitations and restrictions in this Part do not prohibit the keeping of any animals or birds regulated by the Planning Scheme.*
2. *If the Table specifies the number as 0 for any type of animal or bird on that size of allotment, the keeping of that type of animal or bird on that size of allotment is prohibited.*
3. *All animals kept on residential land must be owned by the owner or occupier of that property.*
4. *For the purpose of calculating the maximum number of dogs and cats allowed to be kept on land, the progeny of any dog or cat lawfully kept on the land is not to be counted for 12 weeks after their birth.*

### 59. Containment of animals

59.1 An owner or person in charge of an animal, other than a dog or cat, must ensure that the land used for keeping an animal:

- (a) is maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other person;
- (b) locates any structure used for housing so as not to cause any nuisance;

- (c) is kept to the satisfaction of the Council or an Authorised Officer; and
- (d) is adequately fenced and keep the fence maintained in a satisfactory condition, so that any animal kept on the land cannot escape from the land.

59.2 The owner or occupier of any land on which an animal is kept must ensure that;

- (a) the land surrounding the place where the animal is kept is free from rubbish or vegetation that could attract or harbour rats or vermin;
- (b) all animal food for consumption is kept or stored in a vermin and fly proof receptacle; and
- (c) all animal waste is removed so as not to be offensive or a nuisance to any other person.

## **60. Animal housing**

The owner or occupier of any land where animals are kept, must ensure that any animal housing provided is:

- (a) adequate and appropriate based on the type and number of animals kept;
- (b) kept in a clean and inoffensive condition; and
- (c) placed in an area and kept in a manner which does not create a nuisance.

## **61. Nuisance caused by animals**

An owner or occupier of land where an animal is kept, other than a dog or cat, must ensure that the animal does not cause a nuisance.

## **62. Removal of animal excrement**

A person in charge of an animal in a public place must:

- (a) carry a sufficient and suitable device for the collection of any excrement from that animal;
- (b) produce the suitable device when requested to do so by an authorised officer; and
- (c) immediately collect and dispose of the excrement in a proper and sanitary manner.

## **PART 7 – ADMINISTRATION**

### **63. Application for permit**

63.1 An application for a permit must be in the form prescribed by Council and must be accompanied by the appropriate fee prescribed by Council.

63.2 Council may require an applicant to:

- (a) provide additional information; or
  - (b) give notice of the application or invite any person to make a submission or do both,
- before the application is determined.

63.3 A permit may include any condition which the Council considers to be reasonable and appropriate having regard to the activity to be authorised by the permit and the effects or anticipated effects of that activity.

63.4 Unless otherwise stated in the permit, a permit:

- (a) only authorises the person named in the permit to carry out the permitted activity;
- (b) is not transferable; and
- (c) will operate from the date it is granted and will expire 12 months from the date of issue.

### **64. Decision on permit application**

After considering all relevant documentation, Council may decide:

- (a) to grant a permit;
- (b) to grant a permit subject to conditions, including the requirement to lodge a bond with Council;
- (c) refuse to grant a permit; or
- (d) exempt a person or class of persons from the requirement to obtain a permit.

### **65. Correction, amendment, cancellation and suspension of permit**

65.1 The Council may correct a permit if the permit contains a clerical mistake, error or omission.

65.2 The Council may cancel, suspend or amend a permit at any time if:

- (a) it is requested to do so by the permit holder; or
- (b) it considers that there has been:
  - (i) a material mis-statement or concealment of fact in relation to the application for the permit;
  - (ii) a material mistake in relation to the issue of the permit;
  - (iii) a material change of circumstances which has occurred since the grant of the permit; or
  - (iv) there has been a substantial failure to comply with the permit or a Notice to Comply.

65.3 The Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a permit.

65.4 Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.

65.5 If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any Notice to Comply subsequently issued by Council.

## **66. Fees**

66.1 Council may by resolution determine fees and charges for the purposes of this Local Law.

66.2 Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.

## **67. Bonds**

If a permit holder is required to lodge a bond, Council may:

- (a) utilise those funds to remedy a breach of the permit or repair any damage caused by works carried out under the permit;
- (b) request the permit holder increase the bond amount;
- (c) release all or part of the bond back to the permit holder upon completion of any works under the permit; or
- (d) retain the bond amount and place it into Council's general revenue if the permit holder cannot be located or has not collected the bond payment within 12 months of notice being given.

## **PART 8 – ENFORCEMENT**

### **68. Exercise of discretion**

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

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

### **69. Offences**

69.1 A person who:

- (a) contravenes or fails to comply with any provision of this Local Law or any incorporated document;
- (b) contravenes or fails to comply with any condition contained in a permit issued under this Local Law;
- (c) knowingly provides false information in support of an application for a permit issued under this Local Law;
- (d) knowingly supplies false or misleading information to an Authorised Officer;
- (e) fails to comply with a verbal or written direction issued by an Authorised Officer;
- (f) fails to comply with a Notice to Comply served by an Authorised Officer;
- (g) fails to comply with a Notice of Impoundment served by an Authorised Officer;
- (h) fails to comply with a sign erected by Council; or
- (i) makes or attempts to make any agreement with an Authorised Officer to induce that Authorised Officer to compromise their duty -

is guilty of an offence and if the offence is proven in Court is liable to -

- (i) a penalty not exceeding 20 penalty units; and
- (ii) a further penalty of 2 penalty units for each day after a finding of guilt for an offence during which the contravention continues.

69.2 Where a corporation commits an offence under this Local law, any directors or officers of that corporation also commit an offence.

## **70. Power to issue a direction**

Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a verbal or written direction, requiring a person to stop offending and do anything necessary to rectify the offence.

## **71. Infringement notices**

- 71.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, an infringement notice may be issued and served on that person.
- 71.2 A person to whom an infringement notice has been issued must pay to Council the amount specified within 28 days.
- 71.3 The penalties fixed for infringement notices served under this Local Law are set out in Schedule 3 which specifies the penalty units to apply against each offence. Where an infringement penalty isn't specified for an offence under this Local Law, a penalty unit of 2 penalty units will apply.

## **72. Notice to Comply**

- 72.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, a Notice to Comply may be issued and served on that person.
- 72.2 A Notice to Comply must specify the time and date by which the person must comply with the specified directions, which must be reasonable having regard to the circumstances.

## **73. Impoundment**

- 73.1 An Authorised Officer may immediately move or impound any object, thing or animal which the officer reasonably believes contravenes this Local Law.
- 73.2 Following impoundment, an Authorised Officer must, if practicable, serve a Notice of Impoundment on the person whom the officer reasonably believes is the owner of the object, outlining the process for collection.
- 73.3 For the purposes of clause 73.2, an Authorised Officer may determine that it is not practical to serve a Notice of Impoundment if the impounded item is perishable in which case the Authorised Officer may determine the most appropriate method of disposal.
- 73.4 An Authorised Officer may sell, dispose of or destroy an object that isn't collected in the manner specified in the Notice of Impoundment, with any proceeds from the sale being placed into Council's consolidated revenue.
- 73.5 An Authorised Officer may direct any person responsible for causing or permitting an obstruction on Council land to remove the obstruction.



**74. Urgent circumstances**

In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action.

**75. Guidelines**

Council may introduce operational Guidelines to assist Council staff in the administration and enforcement of this Local Law.

## **Schedule 1 – List of incorporated documents**

- Domestic Wastewater Management Plan
- Building & Works Code of Practice

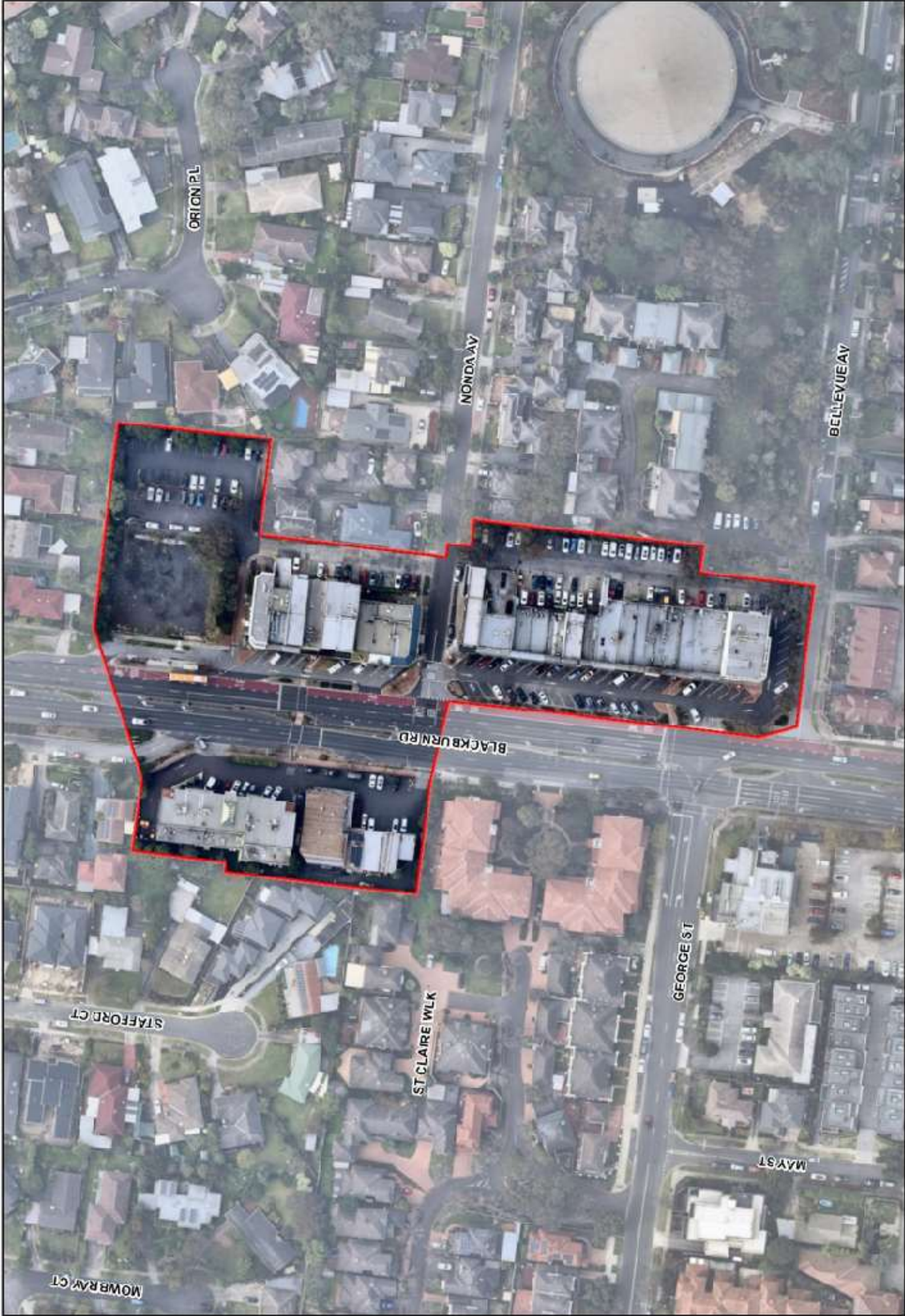
**Schedule 2 – Areas where alcohol is prohibited**



**Bulleen Plaza**



**Doncaster East Village and Devon Plaza Shopping Centre**



Donburn Shopping Centre



Jackson Court



**Macedon Square and Plaza**



Stockland The Pines





Templestowe Village



**Warrandyte Goldfields Shopping Centre**



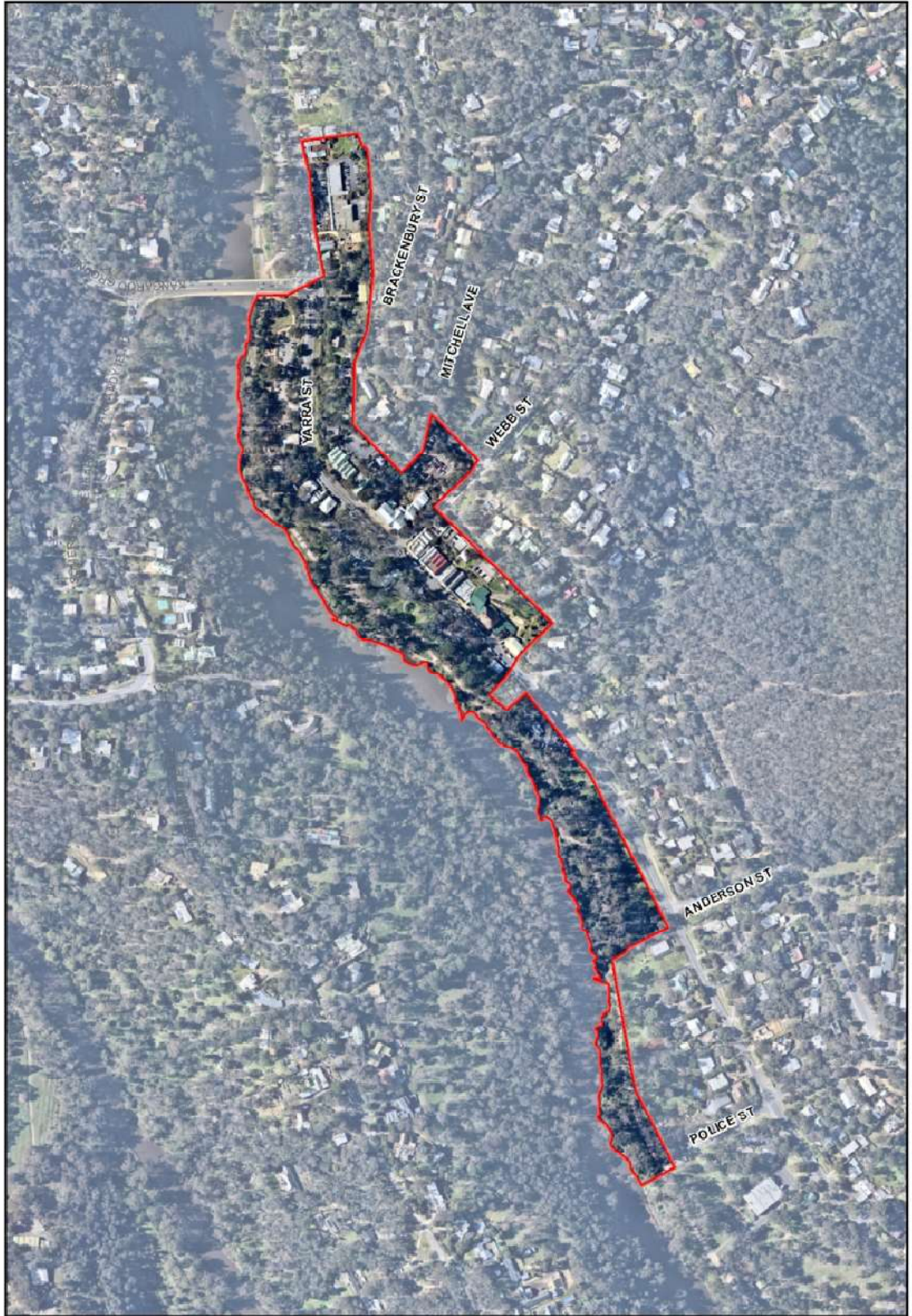
Tunstall Square Shopping Square



Westfield Doncaster



Warrandyte Skate Park and Surrounds



Warrandyte Township

### Schedule 3 – Infringement penalties

Clause No	Offence	Infringement penalty (penalty units)	
		Individual	Corporation
8	Conduct on Council land	3	5
9	Permitted activities on Council land	3	6
10	Restrictions on entry	2	4
11	Gateways to reserves	2	4
12	Wetlands and fountains	2	4
13.1	Shopping trolleys	2	4
13.2	Retailer obligations regarding Shopping Trolleys	4	4
13.3	Compliance with Notice of Impoundment	4	4
14.1	Bulk rubbish containers and shipping containers	3	5
14.2	Shipping containers	2	4
15	Property numbering	1	2
16	Advertisements	3	5
17	Clothing Recycling bins	3	5
18	Filming	3	5
19.1	Consumption of alcohol	3	5
20	Repair of vehicles	2	4
21	Abandoned vehicles	3	5
22	Display of vehicles for sale	3	5
23	Itinerant trading	3	5
24	Footpath trading	3	5
25	Condition of land and buildings	5	6
26	Vehicles on residential land	3	5
27	Vehicles and machinery	3	6
28	Pest animals, vermin and noxious weeds	3	6
29	Environmental weeds	3	6
30	Overhanging obstructions	2	4
31	Audible intruder alarm	3	5
32	Fires on public land	5	6
33	General burning provisions (33.1, 33.2, 33.3)	3	5
34	Open air burning (34.1, 34.3, 34.4)	3	5
35	Extinguishing fires	4	6
36	Chimneys	3	5
37	Recreational vehicles (37.1. 37.2. 37.3)	3	5
38	Camping (38.1 38.2 .38.3 38.4)	2	4
39	Trailers	2	4
40	Collections and fundraising	2	4
41	Busking and spruiking	2	4
42	Signs	3	5
43	Maintaining a receptacle	3	5
44	Use of a receptacle	3	5
45	Interference with waste	3	5
46	Commercial waste	4	5
47	Hard rubbish and bundles green waste collection (47.1, 47.2)	3	5
48	Food waste disposal	4	5
49	Unsewered land	4	5
50	Interference with Council and Council assets	3	5

51	Spoil on roads	3	5
52	Vehicle crossings	3	5
53	Vegetation damage	4	6
54	Asset Protection Permit	4	5
55	Control of building sites (55.1, 55.2)	4	6
56	Drains on private land (56.1, 56.2, 56.3)	4	6
57	Drainage easements	3	5
58	Keeping animals	3	5
59	Containment of animals (59.1, 59.2)	3	5
60	Animal housing	3	5
61	Nuisance caused by animals	2	4
62	Removal of animal excrement	2	3
69	Offences	3	5
69.1(a)	Fail to comply with an incorporated document	3	5
69.1(b)	Fail to comply with a permit condition	3	5
69.1(c)	Knowingly provides false information in respect of a permit application	3	5
69.1(d)	Knowingly provides false or misleading information to an Authorised Officer	3	5
69.1(e)	Fail to comply with a verbal or written direction	3	5
69.1(f)	Fail to comply with a Notice to Comply	3	5
69.1(g)	Fail to comply with a Notice of Impoundment	3	5
69.1(h)	Fail to comply with a sign	3	5
69.1(i)	Makes or attempts to make any agreement with an Authorised Officer to induce that Authorised Officer to compromise their duty	3	5



## Schedule 4 – Environmental weeds

Genus	Species	Common Name	Family
Acacia	baileyana	Cootamundra Wattle	MIMOSACEAE
Acacia	decurrens	Early Black Wattle	MIMOSACEAE
Acacia	elata	Cedar Wattle	MIMOSACEAE
Acacia	floribunda	White Sallow-wattle	MIMOSACEAE
Acacia	howitti	Sticky Wattle	MIMOSACEAE
Acacia	iteaphylla	Flinders Range Wattle	MIMOSACEAE
Acacia	longifolia	Sallow Wattle	MIMOSACEAE
Acer	negundo	Box-elder Maple	ACERACEAE
Arbutus	unedo	Strawberry Tree	ERICACEAE
Asparagus	asparagoides	Bridal Creeper	ASPARAGACEAE
Billardiera	fusiformis	Blue Creeper	PITTOSPORACEAE
Cortaderia	selloana	Silver Pampas Grass	POACEAE
Cotoneaster	glaucophyllus f. serotinus	Large-leaf Cotoneaster	ROSACEAE
Cotoneaster	pannosus	Velvet Cotoneaster	ROSACEAE
Erica	lusitanica	Spanish Heath	ERICACEAE
Erigeron	karvinskianus	Seaside Daisy	ASTERACEAE
Euphorbia	lathyrus	Caper Spurge	EUPHORBIACEAE
Fraxinus	angustifolia	Desert Ash	OLEACEAE
Ligustrum	lucidum	Tree Privet	OLEACEAE
Lonicera	japonica	Japanese Honeysuckle	CAPRIFOLIACEAE
Myriophyllum	aquaticum	Parrot's Feather	HALORAGACEAE
Osteospermum	fruiticosum	African Daisy	ASTERACEAE
Phytolacca	octandra	Red-ink Weed	PHYTOLACCACEAE
Pittosporum	undulatum	Sweet Pittosporum	PITTOSPORACEAE
Polygala	mytifolia	Myrtle-leaf Milkwort	POLYGALACEAE
Rhamnus	alaternus	Italian Buckthorn	RHAMNACEAE
Solanum	pseudocapsicum	Maderia Winter-cherry	SOLANACEAE
Solanum	mauritanum	Wild Tobacco Tree	SOLANACEAE
Veronica	angallis-aquatica	Blue Water-speedwell	SCROPHULARIACEAE