COMMUNITY AMENITY LOCAL LAW 2025

This Local Law was made by resolution of Council on 21 October 2025
and commenced on 17 November 2025.

ACKNOWLEDGEMENT

Council is proud to represent a municipality filled with important and significant Aboriginal history. It acknowledges the Traditional Custodians of this land, the Kulin Nation, and acknowledges the rich culture and considerable contributions Aboriginal and Torres Strait Islander Peoples have made and continue to make to this City.

We recognise and celebrate the enduring connection of First Nations peoples to the lands, waters, and skies. We are committed to working in partnership with First Nations communities to foster a future grounded in equity, respect and shared prosperity.

ENFORCEMENT OF THIS LOCAL LAW

Council is committed to ensuring that the enforcement of this Local Law is carried out fairly and respectfully.

It is important that the community is aware that enforcement involves a range of actions, including the provision of educational messages, verbal and written warnings, infringement notices and, where necessary, prosecution.

In deciding the appropriate response to be taken, Authorised Officers who have been duly appointed by Council will consider a range of factors including; the nature and seriousness of the breach, the impact on public safety and community amenity, relevant personal circumstances and whether there is a history of non-compliance.

All enforcement actions and the exercise of Officer discretion, will be guided by the principles of natural justice, fairness and proportionality, with a focus on educating the community, achieving voluntary compliance and fostering community trust.

All Authorised Officers will be trained in line with and act in accordance with the Homelessness Protocol when engaging with people experiencing homelessness. They will take a human-centred/human rights approach to their interactions with vulnerable members of the community.

The Maribyrnong Council Homelessness Protocol can be accessed via the following link – Homelessness Protocol.

CONTENTS

ACKNOWLEDGEMENT **1**
ENFORCEMENT OF THIS LOCAL LAW **1**
INCORPORATED BY REFERENCE **5**
PART 1 - INTRODUCTION **6**
1. Title 6
2. Purpose of the Local Law 6
3. Authorising Provision 6
4. Commencement Date 6
5. Cessation Date 6
6. Revocation 6
7. Application of the Local Law 7
8. Definitions 8
PART 2: YOUR PROPERTY **17**
9. Unsightly Land 17
10. Dilapidated Buildings 17
11. Dangerous Land 18
12. Overhanging Obstructions or Vegetation 18
13. Donation Bins on Private Land 18
14. Vehicles on Private Land 18
15. Camping on Private Land 19
16. Property Numbers 19
17. Audible Intruder Alarm 19
18. Lighting 19
19. Recreational Vehicles on Private Land 19
20. Incinerators, Fires and Open Air Burning 19
21. Direction to Extinguish Fires 20
PART 3: PETS AND ANIMALS **21**
22. Permitted Quantity of Animals 21
23. Keeping of Animals 22
24. Animal Waste 22
25. Animal Noise 22
26. Feeding of Animals 22
27. Wasps and Bees 23
PART 4: COUNCIL LAND, ROADS AND PUBLIC PLACES **24**
Division 1: Behaviour **24**

28. Behaviour on Roads and Council Land 24
29. Access to a Municipal Place 25
30. Tree and Vegetation Protection on Council Land 25
31. Nature Strip Planting 26
32. Smoking in a Smoke Free Area 26
33. Smoking on Council Land 26
34. Consumption and Possession of Liquor 27
35. Council Sign 27
36. Activities in or on a Reserve 27
37. Camping on a Road or Council Land 28
38. Restrictions on Burning in the Open Air in Public Places and on Council Land 28
39. Shipping Containers on Council Land 28
Division 2: Vehicles 29
40. Repair of Vehicles 29
41. Display of Vehicles 29
42. Heavy Vehicles on Council Land or Roads 29
43. Abandoned, Derelict and Unregistered Vehicles 29
44. Toy Vehicles and Bicycles 29
45. Use of Recreational Vehicles in a Public Place 29
PART 5: BUSINESSES AND TRADE 30
46. Advertising Signage 30
47. Street Furniture and Display of Goods 30
48. Trading Activities 30
49. Street Collection and Distribution 30
50. Spruiking 30
51. Busking, Fundraising and Community Awareness Activities 31
52. Commercial Filming 31
53. Circuses, Carnivals, Festivals or Events 31
54. Donation Bins on Council Land 31
55. Shopping Trolleys 31
PART 6: WASTE MANAGEMENT 32
56. Domestic Waste 32
57. Hard Waste Collection 33
58. Trade and Commercial Waste 33
59. Bulk Rubbish Containers 34
PART 7: COUNCIL ASSET PROTECTION AND BUILDING SITE AMENITY 35
Division 1: Council Asset Protection 35

60. Asset Protection Permits 35
61. Requirement for a Bond 36
62. Works on Council Land or Roads 36
63. Vehicle Crossings 36
64. Drainage 37
65. Occupation of Roads 38
66. Interfering with Roads, Council Land, or Infrastructure 38
67. Obstructions on Roads and Council Land 39
68. Spoil on Roads 39
Division 2: Building Site Amenity 39
69. Site Identification 39
70. Stormwater Protection – Including Silt, Mud and other Pollutants 40
71. Dust 40
72. Sanitary Facilities 40
73. Site Fencing 40
74. Containment and Removal of Waste 41
75. Site Access and Hours of Operation 41
76. Direction to Cease Building Works 42
PART 8: ADMINISTRATION AND ENFORCEMENT 43
Division 1: Administration 43
77. Exercise of Discretion 43
78. Impounding 43
79. Disposal 44
80. Permits - General 44
Division 2 - Enforcement 45
81. Notice to Comply and Verbal Direction 45
82. Infringement Notices 46
83. Power to Act in Urgent Circumstances 46
84. Offences and Penalties 46
85. Offences by Corporations 47
86. Operator Onus Offence 47
SCHEDULE 1: INFRINGMENT NOTICE PENALTIES 48

INCORPORATED BY REFERENCE

The following documents have been incorporated into and form part of the Local Law:

- Nature Strip Planting Policy 2025.
- Nature Strip Planting Guidelines 2025.
- On Street Furniture and Display Code 2012.
- Parklet Guidelines 2023.
- Waste Management Policy 2019.

PART 1 - INTRODUCTION

1. Title

This Local Law is called the “Community Amenity Local Law 2025.”

2. Purpose of the Local Law

The purpose of this Local Law is to provide for:

(a) the peace, order and good government of the *municipal district;*

(b) a safe and healthy environment so that the community within the *municipal district* can enjoy a quality of life that meets its general expectations;

(c) fair access and use of *Council* and community assets and to prescribe measures to protect those assets;

(d) the prevention and suppression of nuisances which may adversely affect the enjoyment of life within the *municipal district* or the health, safety and welfare of persons within the *municipal district*;

(e) the prohibition, regulation and control of activities which may be dangerous or unsafe or detrimental to a person's health, the amenity of the *municipal district* or the environment; and

(f) prescribed requirements for the administration and enforcement of the Local Law.

3. Authorising Provision

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

4. Commencement Date

This Local Law comes into operation on 17 November 2025.

5. Cessation Date

This Local Law ceases to operate on 17 November 2035, unless revoked earlier by *Council*.

6. Revocation

From the commencement of this Local Law, the General Purposes Local Law 2015 previously made by *Council* is revoked, save that any notice or approval given, permit issued or matter or thing commenced under the repealed Local Law, is not affected.

7. Application of the Local Law

(1) This Local Law applies and has operation throughout the *municipal district.*

(2) Nothing in this Local Law prevents any member, officer or employee of:

(a) an *emergency service*;

(b) a Commonwealth or State Government;

(c) any military or civil-defence force; or

(d) the *Council* a contractor or agent directly engaged by the *Council* to undertake works or to provide a service -

from performing any of the duties they are lawfully entitled or required to perform while engaging in those duties and any *person* acting accordingly is not guilty of any offence under this Local Law.

Explanatory Note

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

The Maribyrnong Homelessness Protocol provides a framework for:

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

8. Definitions

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

Words	Meaning
Act	Means the *Local Government Act 2020.*
Acceptable no smoking sign	Has the same meaning as in the *Tobacco Act 1987.*
Advertising sign	Includes any placard, inflatable sign, portable electric sign, illuminated, revolving, spinning or flashing sign, flag, banner, A-frame structure and other object or similar sign, being of a fixed or transient nature including being affixed to a vehicle, trailer, bicycle, tricycle, trolley, or other object, which: (a) provides information about a business, industry, organisation, event or competition; (b) is used for the purposes of notifying a sale, soliciting sales, or notifying people of the presence of another property where goods or services may be obtained; or (c) promotes a candidate or political party associated with a local, state or federal election.
Amusement	Means an installation of an item for the purposes of providing amusement to people, including a jumping castle, pony ride, carnival ride or inflatable device.
Animal	Carries the ordinary meaning of animal and includes a bird, dog, cat, pig, cattle, horse, sheep, goat, poultry, fish, rabbit, ferret, a reptile and an insect.
Applicable organisation	Has the same meaning as in the *Domestic Animals Act 1994.*
Approved waste bin	Means a garbage bin, recycling bin, green waste bin or other designated bin as outlined in the *Circular Economy (Waste Reduction and Recycling) Act 2021* and Council's *Waste Management Policy.*
Assistance animal	Has the same meaning as in the *Disability Discrimination Act 1992 (Cth).*
Assistance dog	Has the same meaning as in the *Equal Opportunity Act 2010.*
Authorised Officer	Means any person appointed by Council to be an Authorised Officer under section 224 of the *Local Government Act 1989.*
Builder	Means a person who has been nominated as the builder on the building permit and if no such application has been made, the person in charge of the building works being carried out, and the person actually conducting the work and includes the owner of the land on which the work is being carried out.

Building	Includes any structure or building, whether temporary or permanent, or any part of such building or structure.
Building site	Means any land on which building works are being, or are proposed to be, carried out.
Building works	Includes any work for or in connection with: (a) the construction, demolition, renovation, alteration or removal of any building or structure or earthworks such as excavation, digging or boring; or (b) delivery and removal of goods or materials used or proposed to be used for or otherwise arising from or associated with building works.
Bulk rubbish container	Means a bin, skip or other container used for the deposit of waste but excludes an *Approved Waste Bin.*
Busk	Means the sounding or playing of a musical instrument, singing, giving a recitation, or performing any conjuring, juggling, puppetry, mime, dance, footpath art or other entertainment or doing any of those things concurrently, with or without collecting money.
Camp	Has the ordinary meaning of camp and includes the use of a tent or similar structure, a caravan, camper van, mobile home, or any other moveable vehicle to provide accommodation.
Chief Executive Officer	Means the Chief Executive Officer of the Council, or any person acting in that position and includes a person authorised by the Chief Executive Officer to act on their behalf in relation to this Local Law.
Commercial Street Furniture Guidelines	Means the *On Street Furniture and Display Code 2012* adopted by Council that may be amended from time to time by Council resolution and which is incorporated in this Local Law.
Commercial premises	Means premises used primarily for commercial purposes.
Commercial zone	Means one of the commercial zones in the Maribyrnong *Planning Scheme.*
Corporation	Has the same meaning as in the *Corporations Act 2001*.
Council	Means the Maribyrnong City Council.
Council land	Means any land, buildings, assets, and facilities which are owned, occupied, or vested in the Council or in respect of which the Council has the care and management.
Designated material	Means any materials, products or substances that are accepted in an approved waste bin, trade waste bin or any other waste bin as may be determined by Council and published on Council's website.
Dilapidated	Means in a state of ruin or disrepair due to neglect, and may include broken windows or doors, damaged roof or

	walls, and any other damage or disrepair to a dwelling.
Donation bin	Means a bin or similar structure used for the collection of donated goods, including used clothing.
Dwelling	Means any building or portion of a building which is used, intended, adapted, or designed for use as a residence.
Electric scooter	Has the same meaning as in the *Road Safety Road Rules 2017.*
Emergency service	Means Victoria Police, Fire Rescue Victoria, the Country Fire Authority, Forest Fire Management Victoria, Ambulance Victoria, the State Emergency Service, and any organisation whose primary function is the provision of first aid response and any successor to any of the aforementioned organisations.
Event	Means an organised recreational, cultural, commercial or social event or a gathering of people, and includes a procession, festival, and street party.
E-waste	Means any waste item that uses a plug, battery or power cord, and includes computers, mobile phones, microwaves, power tools, televisions and light bulbs.
Footpath	Has the same meaning as in the *Road Safety Road Rules 2017.*
Hard waste	Means large and bulky items that cannot be accommodated in an approved waste bin and includes, household furniture, e-waste, washing machines, dishwashers, fridges, mattresses, timber, carpets and scrap metal.
Heavy vehicle	Has the same meaning as in the *Heavy Vehicle National Law (Victoria)*. *Explanatory note* *For the purposes of this Local Law, a heavy vehicle is defined as any vehicle with a gross vehicle mass or aggregate trailer mass exceeding 4.5 tonnes.*
Incinerator	Has the same meaning as in the *Country Fire Authority Act 1958.* *Explanatory note:* *For the purposes of this Local Law, incinerator means a structure or device which is used, or may be used, for the destruction or disposal of unwanted materials by burning.*
Industrial zone	Means one of the industrial zones in the Maribyrnong *Planning Scheme.*
Infringement Notice	Has the same meaning as in the *Infringements Act 2006.*
In the open air	Has the same meaning as under section 34A of the *Country Fire Authority Act 1958*.
Land	Includes any Council land or private land in separate or joint ownership or occupation.

Liquor	Has the same meaning as in the *Liquor Control Reform Act 1998.*
Litter	Has the same meaning as in the *Environment Protection Act 2017*.
Livestock	Has the same meaning as in the *Impounding of Livestock Act 1994*.
Miniaturised motor cycle	Has the same meaning as in the *Road Safety Act 1986.*
Motor vehicle	Has the same meaning as in the *Road Safety Act 1986*. *Explanatory note:* *The Road Safety Act 1986 defines a 'motor vehicle' as meaning –* *A vehicle that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the vehicle but does not include.* (a) *a vehicle intended to be used on a railway or tramway; or* (b) *a motorised wheel-chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person; or* (c) *a vehicle that is not a motor vehicle by virtue of a declaration under sub-section (2)(b) [of section 3].*
Municipal district	Means the municipal district of the Council.
Municipal place	Means any building which is on Council land and includes a public library and any recreation centre which is owned, occupied or under the management or control of Council.
Nature Strip	Means land vested in Council located between a private property boundary of land and the kerb but excludes a footpath and vehicle crossover where one exists.
Nature Strip Planting Policy and Nature Strip Planting Guidelines	Means the *Nature Strip Planting Policy and Nature Strip Planting Guidelines* adopted by Council on 21 October 2025 that may be amended by Council resolution, and which are incorporated in this Local Law.
Nuisance	Includes any behaviour or condition which is dangerous to health, offensive or injurious to personal comfort.
Noxious weeds	Has the same meaning as in the *Catchment and Land Protection Act 1994*.
Occupier	Means the person in charge or having the management or control of the land and includes the owner of the land, a lessee and a licensee of the land.

Operator	Means the person who was driving or in charge of the vehicle at the time when it was involved in the commission of a relevant offence under this Local Law.
Owner	In relation to a building, means the owner of land on which the building is situated; In relation to a motor vehicle means - (a) The registered owner of the motor vehicle; or (b) A person who has possession of the motor vehicle. *Explanatory note:* *For the meaning of 'owner' in relation to land see section 3(1) of the Local Government Act 2020, which means –* *The person who is entitled to receive the rack-rent for the land or who, if the land were let at a rack-rent, would be entitled to receive the rent.*
Parking permit	Means a tradesperson parking permit, resident parking permit or a visitors parking permit issued by Council in accordance with a parking scheme established pursuant to Schedule 11 of the *Local Government Act 1989*.
Parklet Guidelines	Means the *Parklet Guidelines* adopted by Council on 15 November 2022 that may be amended by Council resolution and which are incorporated in this Local Law.
Penalty unit	Has the same meaning as in the *Sentencing Act 1991.* *Explanatory note:* *For the purposes of this Local Law, section 110 of the Sentencing Act 1991 defines 'penalty units' to mean –* *A number of dollars equal to the product obtained by multiplying the number of penalty units by the amount fixed from time to time by the Treasurer under section 5(3) of the Monetary Units Act 2004.*
Permit	Means a permit in writing issued by Council for the purpose of the particular provision in this Local Law which the term is used.
Person	Includes a natural person, a corporation, an association incorporated under the *Associations Incorporation Reform Act 2012*, a partnership, an unincorporated association and a public statutory corporation constituted by or under any law of the State of Victoria, any other State or Territory of the Commonwealth or the Commonwealth.
Planning Scheme	Means the Maribyrnong *Planning Scheme.*
Policy	A policy applied by Council for the purpose of the particular provision in which the term is used.

Power-assisted pedal cycle	Has the same meaning as in the Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 determined under section 7 of the *Motor Vehicle Standards Act 1989.*
Poultry	Includes ducks, chickens, geese, peacocks, pheasants, turkeys, and guinea fowl.
Premises	Includes a building, land, flat, unit, house and dwelling but does not include any building, land, flat, unit, home or dwelling owned or under the control of Council.
Public place	Has the same meaning as in the *Summary Offences Act 1966.* *Explanatory note:* *The Summary Offences Act 1966 defines public place as follows -* *'public place' includes and applies to:* *(a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;* *(b) any park garden reserve or other place of public recreation or resort;* *(c) any railway station platform or carriage;* *(d) any wharf pier or jetty;* *(e) any passenger ship or boat plying for hire;* *(f) any public vehicle plying for hire;* *(g) any church or chapel open to the public or any other building where divine service is being publicly held;* *(h) any state school or the land or premises in connexion therewith;* *(i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;* *(j) any market;* *(k) any auction room or mart or place while a sale by auction is there proceeding;* *(l) any licensed premises or authorised premises within the meaning of the Liquor Control Reform Act 1998;* *(m) any race-course cricket ground football ground or other such place while members of the public are present or are* permitted *to have access thereto whether with or without payment for admission;* *(n) any place of public resort;* *(o) any open place to which the public whether upon or*

	without payment for admittance have or are permitted *to have access; or any public place within the meaning of the words 'public place' whether by virtue of this Act or otherwise.*
Recreational vehicle	Means any miniaturised motor cycle, trail bike, motor cycle, motor scooter, go-cart, four-wheel drive vehicle or other vehicle propelled by a motor, which can be used for recreational purposes, but does not include: (a) a motorised wheelchair; (b) a power-assisted pedal cycle that meets the legislative requirements; (c) an electric scooter that meets the legislative requirements; or (d) a caravan, mobile home or camper van.
Reserve	Means *Council land* which is dedicated or used for outdoor cultural, environmental, sporting, or recreational purposes and includes sporting reserves, bushland reserves, wetlands, parks and gardens and other like spaces.
Residential zone	Means one of the residential zones in the Maribyrnong *Planning Scheme*.
Retailer	Means a person who sells goods by retail and who provides trolleys to customers.
Road	Has the same meaning as in the *Local Government Act 1989.* *Explanatory note:* *In section 3 of the Local Government Act 1989 'road' is defined as follows:* *'road' includes:* *(i)a street; and* *(ii)a right of way; and* *(iii)any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and* *(iv)a passage; and* *(v)a cul-de-sac; and* *(vi)a by-pass; and* *(vii)a bridge or ford; and* *(viii)a footpath, bicycle path or nature strip; and* *(ix)any culvert or kerbing or other land or works forming part of the road.'*
Sell or sold	Includes to: (a) sell by means of any machine, electronic device, or mechanical device;

	(b) hire; (c) barter or exchange for sale or hire; (d) offer or expose or display for sale or hire; (e) advertise for sale or hire; (f) keep or have in possession for sale or hire; or (g) agree to, direct, cause or attempt to sell or hire.
Smoke	Has the same meaning as in the *Tobacco Act 1987.*
Smoke free area	Means any area prescribed by Council to be a smoke free area for the purposes of this Local Law.
Street furniture	Includes furniture used for outdoor dining such as tables and chairs, and ancillary equipment such as gas heaters, screens, planter boxes, umbrellas, blinds, menu boards, and awnings.
Street litter bin	Means a receptacle provided by Council in a *public place* to receive packaging, papers and other litter arising during the occupation or use of the *public place* by any person.
Tobacco product	Includes an e-cigarette; and both tobacco product and e-cigarette have the same meaning as in the *Tobacco Act 1987*.
Toy vehicle	Includes: (a) a vehicle designed to be propelled by human power or electrical power and includes a scooter, skateboard, roller skates, roller blades and like toys; and (b) a remote control vehicle.
Trade waste	Means any waste, refuse, slops, or other matter arising from or generated by any trade, industry, or commercial undertaking.
Trade waste bin	Means a purpose-built container for the deposit of trade or commercial waste.
Trail bike	Means a motorcycle for use on rough terrain.
Tree protection zone	Means a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk circumference measured at 1.4 m above its base.
Unreasonable noise	Has the same meaning as in the *Environment Protection Act 2017*.
Urban zone	Includes a residential zone, commercial zone and industrial zone.
Use	In relation to a vehicle means park, ride or drive.

Utility	Has the same meaning as in the *Road Management Act 2004.*
Vehicle	Has the same meaning as in the *Road Safety Act 1986.*
Vermin	Includes rodents, cockroaches, bedbugs, flies, lice, mosquitoes, termites, European wasps, and parasitic worms.
Visitor	Means a person visiting the place of residence of the holder of the visitors parking permit.
Waste Management Policy	Means the *Waste Management Policy* adopted by Council on 10 December 2019 as may be amended by Council resolution and which is incorporated in this Local Law.
Works	Includes: (a) building, excavating, digging holes, compacting and landscaping; (b) erecting fencing, hoarding and scaffolding; (c) using a mobile crane or travel tower or similar; (d) constructing, removing, or altering a vehicle crossing; and (e) installing fences, barriers or other items that restricts access to or movement on a road.

PART 2: YOUR PROPERTY

9. Unsightly Land

(1) An *owner or occupier* of *land* must not keep or allow another *person* to keep that *land* in a manner which is:

(a) unsightly; or

(b) detrimental to the general amenity of the neighbourhood in which it is located.

(2) Without limiting the generality of sub-clause (1), *land* may be unsightly or detrimental to the general amenity of the neighbourhood in which it is located by the presence of:

(a) disused excavation;

(b) a *building* which is incomplete and does not have a current building *permit*;

(c) unconstrained rubbish, *litter*, waste materials or any stockpiled materials;

(d) dead, diseased or dying vegetation;

(e) growth of vegetation and undergrowth exceeding a height of 20 centimetres;

(f) *vermin* or *noxious weeds;*

(g) second-hand materials, scrap metal, building materials or building refuse;

(h) unused advertising billboard structures;

(i) derelict *vehicles* and machinery, or vehicle or machinery parts; or

(j) graffiti on exterior walls of buildings or fences.

(3) An *owner or occupier* of *land* must not allow any grass or weeds on that *land* to exceed 20 centimetres in height.

10. Dilapidated Buildings

(1) An *owner or occupier* of *land* must:

(a) not allow a building on the land to become *dilapidated* or further *dilapidated;*

(b) take all reasonable steps to secure any building located on the land from unauthorised access; and

(c) maintain any building located on the *land* in a state of good repair, including undertaking temporary repairs as required to ensure on-site safety and security.

(2) For the purposes of sub-clause (1), a *building* is dilapidated if it is in a state of disrepair or has deteriorated or fallen into a state of partial ruin as a result of age, neglect, poor maintenance, misuse or has become damaged or defaced.

Explanatory note:

For the purposes of this clause, 'building' includes buildings of heritage significance as identified by the Planning Scheme.

11. Dangerous Land

(1) An *owner or occupier* of *land* must not keep or allow another *person* to keep that *land* in a manner which is dangerous or likely to cause danger to health, life or property.

(2) An *owner or occupier* of *land* must not, without a *permit*, store any matter, hazardous substance or thing which is dangerous or likely to cause danger to health, life or property on that *land.*

12. Overhanging Obstructions or Vegetation

An *owner or occupier* of *land* must not permit any thing, including vegetation, located on the *land* to:

(a) overhang a *road, public place* or *Council land* at a height of less than 3 metres from the surface of the *road, public place* or *Council land;*

(b) overhang the boundary of the *land* so as to obstruct the clear view of a pedestrian or the driver of any *vehicle* approaching the intersection or travelling along the *road* abutting the *land*;

(c) encroach upon any *road, public place* or *Council land*;

(d) obscure, interfere with, or cause damage to streetlights, street signs, street furniture or a traffic control device;

(e) interfere with or cause damage to any fixture or other structure on a *road, public place* or *Council land;* or

(f) otherwise prejudice the safe and convenient use of any *road, public place* or *Council land* by pedestrians or drivers.

13. Donation Bins on Private Land

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

14. Vehicles on Private Land

(1) An *owner* or *occupier* must not, without a *permit*, keep, park, store, repair or allow another *person* to keep, park, store or repair:

(a) a *vehicle* over 7.5 metres in length (including any trailer and fittings); or

(b) a *heavy vehicle* -

on private *land* in a *residential zone*.

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

(a) a *vehicle* that is parked, kept, stored or repaired for less than one hour, or when the driver is picking up or setting down goods;

(b) one caravan or one boat being stored on private land by the *owner* or *occupier* of that land; or

(c) the keeping, parking, storing or repairing of a *vehicle* permitted under the *Planning Scheme.*

15. Camping on Private Land

(1) A *person* must not *camp* on vacant private *land.*

(2) A *person* may *camp* on private *land* where there is an existing dwelling for a cumulative period of not more than six months in any twelve month period provided that:

(a) appropriate sanitary facilities are available to the *land*; and

(b) there is no detrimental effect on the amenity of adjoining *land*.

(3) A *person* must not, without a *permit*, camp on private *land* in excess of the period prescribed in sub-clause (2) unless permitted under the *Planning Scheme*.

16. Property Numbers

(1) An *owner* or *occupier* of *land* must not number or display a number in respect of that *land* unless the number has been allocated to or approved for use by *Council.*

(2) If *Council* has allocated a number to the *land* or approved the use of a number for the *land*, the *owner* or *occupier* of the *land* must ensure:

(a) the *land* is marked with the number allocated to or approved for use by *Council;* and

(b) the number is of sufficient size, free from obstructions and kept in such a state of repair that it can be clearly read under normal lighting conditions from the *road* immediately adjacent to the front boundary of the *land*.

17. Audible Intruder Alarm

A *person* must not, on any property in any *premises,* install or permit or allow to be installed or cause to be retained in an active state, an intruder alarm, which emits a noise audible beyond the boundary of the *premises*, unless such an alarm is constructed or regulated to ensure that it complies with Australian Standard AS/ ISO 7240.3, or an equivalent Australian Standard at the time.

18. Lighting

An *owner* or *occupier* of *land,* must not cause or allow to be caused, in the opinion of *Council* or an *Authorised Officer*, a light on that land to be a nuisance to any other person.

19. Recreational Vehicles on Private Land

A *person* must not, without a *permi*t, drive, ride or use, or cause or allow to be driven, ridden or used any *recreational vehicle* on private *land*.

20. Incinerators, Fires and Open Air Burning

(1) A *person* must not light or allow any fire to be lit in the open air or in an *incinerator* on any *land.*

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

(a) a barbeque, pizza oven or other properly constructed appliance while it is being used for cooking food;

(b) a fire in a brazier, fire pit or chimenea while it is being used for heating;

(c) a fire which is approved by a *permit* for a special event or cultural ceremony; or

(d) an Elder or chosen Aboriginal person undertaking a welcome to country or a sorry business healing ceremony.

(3) For the purpose of sub-clause (2) a *person* must not light or allow any fire to be lit that results in emissions of smoke or odour (other than normal odour of food cooking) to enter any neighbouring *property*, that in the opinion of an *Authorised Officer* is offensive.

21. Direction to Extinguish Fires

(1) An *owner* or *occupier* of *land* who has lit or allowed a fire to remain alight contrary to the provisions of this Local Law, must extinguish the fire immediately on being directed to do so by:

(a) an *Authorised Officer*; or

(b) a member of Victoria Police, the Country Fire Authority or Fire Rescue Victoria.

PART 3: PETS AND ANIMALS

22. Permitted Quantity of Animals

(1) The limitations and restrictions in this Part do not apply to the keeping of any animals permitted under the *Planning Scheme,* or for which a planning permit is required under the *Planning Scheme* and has been issued for such keeping.

(2) An *owner* or *occupier* of any *land* must not, without a *permit*, keep or allow to be kept on that *land* in excess of the number of animals stated in the following table:

Animal[1]	**Houses**	**Units, townhouses, apartments, flats and other multi-residential dwellings**
Dogs	3	2
Cats	3	2
Birds - canaries, finches, budgerigars	25	5
Birds - pigeons racing pigeons	10 30	0 0
Poultry	10	0
Roosters	0	0
Rabbits	5	2
Guinea pigs, ferrets, rats or mice	8	2
Reptiles	10	5
Livestock including horses, cows, pigs, sheep or goats	0	0

(3) Notwithstanding sub-clauses (1) and (2), if the above Table specifies the number is nought (0) for any type of *animal* on that land, the keeping of that type of *animal* on that land is prohibited and a *permit* cannot be granted.

(4) The *Council* or an *Authorised Officer* may exempt any *person* or class of persons from the application of sub-clauses (1), (2) or (3).

(5) Notwithstanding sub-clauses (1), (2) and (3), a *person* is allowed to keep an *assistance dog* or *assistance animal* on *land*, provided that the *assistance dog* or *assistance animal* is registered with *Council* or an appropriate body or *applicable organisation*, if required under legislation.

[1] For the purposes of calculating the maximum number of dogs and cats allowed to be kept on *land*, the offspring of any dog or cat lawfully kept on the *land* is not to be counted for twelve weeks after their birth. An *assistance dog* or *assistance animal* is included in the total number of animals allowed, except where the number of nought (0) is specified in the Table.

23. Keeping of Animals

(1) An *owner* or *occupier* of *land* must ensure that any part of the *land* used for keeping an *animal* is:

(a) maintained in a clean, inoffensive and sanitary condition and does not cause a nuisance to any other *person*;

(b) kept to the satisfaction of *Council* or an *Authorised Officer*; and

(c) adequately fenced and the fence maintained to the satisfaction of *Council* or an *Authorised Officer,* so that any *animal* kept on the *land* cannot escape from that *land*.

(2) An *owner* or *occupier* of any *land* on which an *animal* is kept must ensure that:

(a) any structure on the *land* which houses an *animal* is located so the *animal* may not cause a nuisance to any *person*;

(b) the *land* surrounding the place where the *animal* is kept is free from rubbish or vegetation that could attract or harbour *vermin*;

(c) all *animal* food for consumption kept or stored on the *land* is kept or stored in a *vermin* and fly proof receptacle; and

(d) all *animal* waste is removed from the *land* so as not to be offensive or a nuisance to any other *person*.

24. Animal Waste

(1) A *person* in charge of an *animal* must not allow any part of the *animal's* waste to remain on any *road, Council land* or *public place* and must immediately collect and properly dispose of the waste.

(2) A *person* in charge of an *animal* on any *road, Council land* or *public place* must carry a bag or other receptacle to collect and properly dispose of waste from that *animal*.

(3) A *person* in charge of an *animal* on any *road, Council land* or *public place* must produce a bag or other receptacle to collect and properly dispose of waste from that *animal* at the request of an *Authorised Officer*.

25. Animal Noise

An *owner or occupier* of any *land* must not allow an *animal* kept on that *land* to emit *unreasonable noise.*

Explanatory note:

Noise created by barking dogs which may cause a nuisance is enforced and administered by Council under the Domestic Animals Act 1994.

26. Feeding of Animals

(1) If an *Authorised Officer* is of the opinion that the feeding of an uncaged *animal* by a *person* is causing a nuisance or may damage property, the *Authorised Officer* may direct the *person* to cease feeding the *animal*.

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

27. Wasps and Bees

(1) An *owner or occupier* of land must ensure that any European wasps on the *land* are destroyed.

(2) An *owner or occupier* of *land* must ensure that any honeybees that have a hive or are swarming on the *land* are removed from the *land* unless:

(a) the hive is registered in accordance with the *Apiary Code of Practice 2011*; and

(b) where a *permit* is required under the *Planning Scheme*, a *permit* has been issued for such keeping.

PART 4: COUNCIL LAND, ROADS AND PUBLIC PLACES

Division 1: Behaviour

28. Behaviour on Roads and Council Land

A *person* must not:

(a) act in a manner that is likely to interfere with the reasonable use and enjoyment of a *road* or *Council land* by other persons;

(b) create a nuisance on a *road* or *Council land*;

(c) cause or allow *unreasonable noise* to be emitted from a *road* or *Council land*;

(d) act in a manner which endangers any other *person* on a *road* or *Council land*;

(e) on a *road* or *Council land,* defecate except in a toilet or urinate except in a toilet or urinal;

(f) act contrary to any restriction, prohibition or direction contained on a sign on a *road* or *Council land*;

(g) use or interfere with any lifesaving or emergency device located on a *road* or *Council land*, unless using the device in an emergency or participating in instruction or maintenance approved by *Council*;

(h) damage, destroy, deface, remove or interfere with anything in or on any *building*, improvement or other structure of any kind on a *road* or *Council land*;

(i) organise, conduct, or hold any function or *event* on a *road* or *Council land* without the written consent of *Council* or an *Authorised Officer*;

(j) erect, operate or cause to be erected or operated any *amusement*, without a *permit*, on a *road* or *Council land*;

(k) obstruct, hinder, or interfere with a *Council* staff member in the performance of their duties on a *road* or *Council land*;

(l) act contrary to any reasonable direction of an *Authorised Officer* or *Council* staff member given on a *road* or *Council land*, including, without limitation, a direction to leave the *road* or *Council land*, whether or not a fee for admission has been paid; or

(m) remain on a *road* or *Council land* after being directed to leave by an *Authorised Officer* or a *Council* staff member.

Explanatory Note

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

The Maribyrnong Homelessness Protocol provides a framework for:

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

29. Access to a Municipal Place

(1) The *Council,* an *Authorised Officer* or a *Council* staff member may determine the hours when any *municipal place* will be open to the public.

(2) A *person* must not, without the consent of *Council* or an *Authorised Officer* or a *Council* staff member:

(a) act contrary to any conditions of entry or membership applicable to a *municipal place*;

(b) enter or remain in a *municipal place* after being directed to leave by an *Authorised Officer* or a *Council* staff member;

(c) enter or remain in a *municipal place* during hours when the *municipal place* is not open to the public;

(d) bring any *animal* into, or allow any *animal* under their control to remain in a *municipal place*, except for an *assistance dog* being used by that *person*; or

(e) bring any *vehicle* or *toy vehicle* into a *municipal place*, except for:

(i) a pram or pusher being used by a child; or

(ii) a wheelchair being used by a physically disabled person.

(3) A *person* must not remain in a *municipal place* while under the influence of alcohol or any prohibited drug.

(4) A *person* must not act contrary to any reasonable direction of an *Authorised Officer* or a *Council* staff member given in or on a *municipal place*.

30. Tree and Vegetation Protection on Council Land

(1) A *person* must not on *Council land,* a *road* or a *public place*, without a *permit*:

(a) destroy, damage, remove, lop or otherwise interfere with any vegetation or engage, allow, authorise or direct any person to destroy, damage, remove, lop or otherwise interfere with vegetation; or

(b) carry out any *works* within the *tree protection zone* of a tree or engage, allow, authorise or direct any other *person* to undertake such *works*.

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

(a) a *person* authorised by *Council* to undertake any such *works*;

(b) a *person* acting in accordance with an instruction or direction from an *Authorised Officer*; or

(c) a *person* whose actions are authorised by a planning permit issued under the *Planning Scheme*.

(3) A *person* must not, without a *permit* or the written consent of *Council*, an *Authorised Officer* or a *Council* staff member, plant any vegetation on *Council land,* a *road* or a *public place* except in accordance with the *Nature Strip Planting Policy and Guidelines.*

31. Nature Strip Planting

(1) A *person* must comply with the *Nature Strip Planting Policy* and the *Nature Strip Planting Guidelines* when carrying out any of the following activities on a nature strip -

(a) landscaping;

(b) planting any vegetation; or

(c) placing any item.

(2) Sub-clause (1) does not apply to the works or activities of a *utility,* or the placement of items for waste collection in accordance with *Council's Waste Management Policy.*

32. Smoking in a Smoke Free Area

(1) *Council* may designate any *Council land* or *road* to be a *smoke free area* and may prescribe times and dates during which a *person* must not *smoke* in such an area.

(2) Any designation of areas, times and dates under sub-clause (1) must be published by *Council* by giving public notice at least 14 days before the restrictions are to be introduced by:

(a) giving notice in multiple media streams, including where appropriate in a newspaper generally circulating throughout Victoria and on Council's website; and

(b) posting notices on a publicly accessible notice board at the principal, municipal office of *Council*.

(3) A *person* must not *smoke* a *tobacco product* in a *smoke free area*.

(4) Where an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened sub-clause (3), the *Authorised Officer* may direct the *person* to extinguish and then dispose of the *tobacco product*.

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

(6) The *Council* or an *Authorised Officer* may erect, or cause to be erected, an *acceptable no smoking sign* in a *smoke free area*.

33. Smoking on Council Land

(1) A *person* must not *smoke*:

(a) inside a building on *Council land*; or

(b) on *Council land* within ten metres of the entrance to a building owned, occupied, or vested in *Council* or in respect of which *Council* has the care and management thereof.

(2) Where an *Authorised Officer* believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the *Authorised Officer* may direct the person to extinguish and then dispose of the *tobacco product*.

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

(4) *Council* or an *Authorised Officer* may erect, or cause to be erected, an *acceptable no smoking sign* on *Council land*.

34. Consumption and Possession of Liquor

(1) *Council* may declare certain parts of the *municipal district* where the consumption of *liquor* or the possession of *liquor* is restricted.

(2) A declaration made by Council will not have force or effect unless signs advising of the declaration are erected in the relevant area of the *municipal district*.

(3) A *person* must not:

(a) consume any *liquor*; or

(b) have in their possession or control, any *liquor* other than in a sealed container -

in parts of the *municipal district* where Council has declared that the consumption of *liquor* or possession of open containers of *liquor* is restricted.

(4) This clause does not apply to a *person* who consumes *liquor* in a licenced premises or authorised premises or any other place where the consumption of any *liquor* or the possession of *liquor* in an unsealed container is permitted under the *Liquor Control Reform Act 1998*.

(5) If an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened sub-clause (3), the *Authorised Officer* may direct the *person* to seal any container or dispose of the contents of any unsealed container.

(6) A *person* to whom a direction is given under sub-clause (5) must comply with that direction.

35. Council Sign

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

36. Activities in or on a Reserve

A *person* must not, without a *permit,* in or on any *reserve*:

(a) use, ride, drive or park a *vehicle*, except on a signed or dedicated path or laneway reserved for such a *vehicle*;

(b) play, engage in or practise any game or sport, whether or not in accordance with a *permit* issued under this Local Law, in a manner that is:

(i) dangerous to any other *person*; or

(ii) likely to interfere with the reasonable use or enjoyment of any other *person*;

(c) play or practise golf unless designated or set aside as a golf course;

(d) conduct any fitness training or health and wellbeing activity for commercial purposes; or

(e) play, organise or engage in any organised competitive sport or game, unless authorised to do so under an appropriate licence agreement or with the written consent of the *Council,* an *Authorised Officer* or a *Council* staff member.

37. Camping on a Road or Council Land

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

Explanatory note:

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

The Maribyrnong Homelessness Protocol provides a framework for:

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

38. Restrictions on Burning in the Open Air in Public Places and on Council Land

A *person* must not, without a *permit*, light or allow to be lit, a fire in the open air on:

(a) a *road*;

(b) *Council land* including a *reserve*;

(c) Crown land to which *Council* is the appointed land manager; or

(d) any public place -

unless it is authorised by signs placed on the *land* by *Council.*

39. Shipping Containers on Council Land

A *person* must not, without a *permit*, store, keep or place a shipping container on any *Council land.*

Division 2: Vehicles

40. Repair of Vehicles

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

41. Display of Vehicles

(1) A *person* must not, without a *permit*, display a *vehicle* for sale or hire on a *road* or *Council land* or a *public place.*

(2) *Council* may grant an exemption from sub-clause (1) to a *person* conducting a business for the sale or hire of *vehicles*.

42. Heavy Vehicles on Council Land or Roads

(1) A *person* must not, without a *permit*, drive or cause to be driven a *heavy vehicle* on a *road* or *Council land* in an area designated by *Council* to be a prohibited or restricted place for the purposes of this clause.

(2) The *Council* or an *Authorised Officer* may erect, or cause to be erected, signage indicating prohibitions or restrictions on the use of a *road* by *heavy vehicles*.

43. Abandoned, Derelict and Unregistered Vehicles

(1) A *person* must not park or store an abandoned, derelict, or unregistered *vehicle* or cause or allow such a *vehicle* to be parked or stored on a *road* or *Council land*.

(2) Any *vehicle* found on a *road* or *Council land* that is considered by an *Authorised Officer* to be abandoned, derelict or unregistered may be dealt with under the provisions of Schedule 11 of the *Local Government Act 1989*.

44. Toy Vehicles and Bicycles

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

(a) use, place, leave or allow another *person* to use, place or leave a *toy vehicle* or bicycle in such a manner as to interfere with the passage of, or cause annoyance or danger to, any *person* on or using the *road* or *Council land*; or

(b) use or allow another *person* to use a *toy vehicle* in an area designated by *Council* to be a prohibited place for the purposes of this clause.

45. Use of Recreational Vehicles in a Public Place

A *person* must not without a *permit*, in a *public place*, ride or cause or allow to be ridden any *recreational vehicle***,** except where the use is authorised by signs placed on the *land* by *Council* or is permitted under an Act or Regulation.

PART 5: BUSINESSES AND TRADE

46. Advertising Signage

A *person* must not, without a *permit* or an appropriate license agreement with Council, place or allow to be placed an *advertising sign* on a *road* or *Council land*.

47. Street Furniture and Display of Goods

(1) A *person* must not, without a *permit* or an appropriate license agreement with Council, place or allow to be placed street furniture or display goods on a *road* or *Council land.*

(2) A *person* must, in addition to sub-clause (1), comply with any *permit* conditions and additional requirements outlined in *Council's:*

(a) On Street Furniture and Display Code; and

(b) Parklets Guidelines.

(3) Notwithstanding sub-clauses (1) and (2), a *person* is exempt from applying for a *permit* or from obtaining an appropriate license agreement to place or allow to be placed street furniture or display goods on a *road* or *Council land* if permitted to do so under *Council's*:

(a) On Street Furniture and Display Code; or

(b) Parklets Guidelines.

48. Trading Activities

(1) A *person* must not, without a *permit, sell*, cause or allow another *person* to *sell*, from or on a *road* or *Council land*:

(a) any goods or services from a *vehicle*, *animal*, stall, or other like structure; or

(b) any goods or services carried on the *person*.

(2) A *person* must not, without a *permit*, *sell* goods or solicit or try to attract trade or business on vacant *land* or *land* which they do not ordinarily occupy.

49. Street Collection and Distribution

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

50. Spruiking

A *person* must not, without a *permit*, spruik, tout, or solicit the sale of any goods or services on a *road* or *Council land* or from any land adjacent to a *road* or *Council land*.

51. Busking, Fundraising and Community Awareness Activities

A *person* must not, without a *permit, busk*, fundraise or conduct a community awareness activity on a *road* or *Council land*.

52. Commercial Filming

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

53. Circuses, Carnivals, Festivals or Events

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

54. Donation Bins on Council Land

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

(2) A *person* or holder of a *permit* permitted to place a *donation bin* on a *road*, *Council land* or in a *public place,* must not allow items to remain outside the confines of the *donation bin*.

55. Shopping Trolleys

(1) A *person* must not leave a shopping trolley on a *road, Council land* or vacant *land,* except in an area designated by *Council* for the return of shopping trolleys.

(2) A retailer who provides shopping trolleys intended for the use of customers must ensure that their name and trading name are clearly marked on the shopping trolleys.

(3) A *retailer* who provides shopping trolleys intended for the use of customers must ensure that each shopping trolley has a coin or token operated lock or perimeter constraint system attached to it.

(4) Sub-clause (3) does not apply to a retailer who has less than ten shopping trolleys available for the use of customers.

(5) A retailer must ensure that shopping trolleys left outside of their *premises* when the business is closed are secured so as to prevent any shopping trolley being used.

(6) If a shopping trolley has been left on a *road*, vacant *land* or *Council land,* an *Authorised Officer* may direct the retailer who provides the shopping trolley, or the *person* in charge of the retail premises from which it has been transported, to remove the shopping trolley.

(7) A *person* to whom a direction is given under sub-clause (6) must comply with that direction.

(8) *Council* or an *Authorised Officer* or a *person* engaged by Council for this purpose may, on behalf of *Council*, seize and impound any shopping trolley which has been left on a *road, vacant land* or on *Council land* in contravention of this Local Law.

PART 6: WASTE MANAGEMENT

Nothing in this part permits a person to act in contravention to the Circular Economy (Waste Reduction and Recycling) Act 2021.

56. Domestic Waste

(1) An *owner* or *occupier* of *land* must comply with any *permit* conditions and additional requirements in *Council's Waste Management Policy.*

(2) Domestic waste material from any *land* must only be placed out for collection on such days and at such times as are prescribed by the *Council.*

(3) The *Council* or an *Authorised Officer* may determine under this clause whether an *approved waste bin* is to be used for the deposit of waste by the *owner* or *occupier* of *land*, and the *owner* or *occupier* of the *land* must comply with any such determination.

(4) An *owner* or *occupier* of *land* must ensure that:

(a) only *designated material* generated at the *land* are placed in the *approved waste bin*, in accordance with *Council's Waste Management Policy*;

(b) all *approved waste bins* are placed for collection on the *nature strip* or *footpath* adjacent, and as close as practicable, to the roadside so as not to cause any obstruction or danger to any *person*, or in any other manner directed by *Council* or an *Authorised Officer* for the purposes of this clause;

(c) any one *approved waste bin* placed out for collection does not exceed the maximum gross weight determined by *Council* or an *Authorised Officer* for the purposes of this clause;

(d) all *approved waste bins* placed out for collection are capable of being closed, and are closed, to prevent anything placed in the bins from escaping;

(e) empty *approved waste bins* are returned to the *owner* or *occupier*'s *land* as soon as practicable, and no later than 1 day after collection;

(f) any waste which has spilled onto the *road*, *nature strip* or surrounding area during collection is removed;

(g) all *approved waste bins* are maintained and kept:

(i) in good order; and

(ii) in a clean, sanitary, pest and odour-free condition; and

(h) the site on which an *approved waste bin* is located and the location where it is placed for collection is maintained in a clean, inoffensive, pest-free and sanitary condition.

(5) An *owner* or *occupier* of *land* must not deposit in any *approved waste bin:*

(a) anything other than *designated material;*

(b) any items which are likely to damage the *approved waste bin* or the collection *vehicle;* or

(c) hazardous substances.

(6) An *owner* or *occupier* of *land* must:

(a) upon being directed to do so by *Council* or an *Authorised Officer*, remove or cause to be removed from the *approved waste bin* any material deposited or caused to be deposited in contravention of sub-clause (5);

(b) immediately notify *Council* if their *approved waste bin* develops a defect, is destroyed or damaged, or is lost or stolen;

(c) not damage, alter, compromise, deface or interfere with any *approved waste bin* or cause or allow an *approved waste bin* to be damaged, altered, compromised, defaced or interfered with*;* and

(d) not deposit any waste generated at the *land* into a *street litter bin,* unless authorised to do so by *Council* or an *Authorised Officer*.

(7) An *owner* or *occupier* of *land* must store an *approved waste bin:*

(a) on the *land* to which it has been allocated; or

(b) in an area designated by *Council* for the purpose of storing *approved waste bins*.

57. Hard Waste Collection

(1) A *person* must not place, cause or allow to be placed, any thing (other than an *approved waste bin*) on a *nature strip* or other part of a *road*, except for the purposes of a *hard waste* collection service provided by *Council*.

(2) A *person* must not, without the consent of the *owner* or *occupier* who placed a thing on a *nature strip* or other part of a *road* for the purpose of a *hard waste* collection service, or the consent of *Council* or an *Authorised Officer*, add any thing to, or remove or interfere with any thing left for collection under sub-clause (1).

(3) A *person* must only place *hard waste* for collection in accordance with *Council's Waste Management Policy* or as directed by an *Authorised Officer*.

(4) A *person* must not place, cause or allow to be placed, *hard waste* for collection on a *nature strip* or other part of a *road* more than two days prior to the:

(a) booked collection date; or

(b) advertised commencement date of a *hard waste* collection for the *land* where the *hard waste* is placed.

58. Trade and Commercial Waste

(1) A *person* must only place *trade waste* for collection in accordance with *Council's Waste Management Policy.*

(2) A *person* must not, without a *permit*, store or allow to be stored any bin, hopper or *trade waste bin* on *Council land, a nature strip* or other part of a *road.*

(3) *Council* may designate any *Council land* or *road* for the purpose of storing *trade waste bins.*

(4) *Trade waste* from any *land* must only be collected on such days and at such times as are designated by *Council.*

(5) The *owner or occupier* of a commercial premises must comply with clauses 56 and 57.

(6) Notwithstanding clause 56(4)(e) a *person* must not place a *trade waste bin* from a commercial premises out for collection on *Council land a nature strip* or other part of a *road* prior to 4.00pm the day prior to collection and must return that bin to the premises by 10.00am on the day of collection.

(7) A *person* who places a *trade waste bin* on *Council land, a nature strip* or other part of a *road,* to be emptied must ensure that it does not cause any obstruction or danger to any *person.*

(8) A *person* who has placed a *trade waste bin* on *Council land,* a *nature strip* or other part of a *road*, must repair any damage to the *Council land, nature strip* or *road* or any works in the *road*, including a vehicle crossing, that results from placing the *trade waste bin* on the *Council land, nature strip* or *road* or emptying it.

(9) The *owner or occupier* of a commercial premises must: ensure that a *trade waste bin* provided for the storage of trade waste is:

(a) constructed of impervious materials, watertight and pest proof;

(b) regularly emptied to prevents the contents from becoming offensive;

(c) maintained and kept in a clean, sanitary and odour-free condition;

(d) adequately constructed, located or secured in such a way as to deny access to the public;

(e) clearly labelled with ownership details; and

(f) kept in accordance with *Council's Waste Management Policy*.

(10) A *person* must not place any waste generated at a *commercial premises* into a *street litter bin.*

59. Bulk Rubbish Containers

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

PART 7: COUNCIL ASSET PROTECTION AND BUILDING SITE AMENITY

Division 1: Council Asset Protection

60. Asset Protection Permits

(1) An *owner*, *occupier* of *land* or *builder* must obtain an Asset Protection Permit prior to the commencement of *building works* on a *building site*.

(2) A *person* to whom an Asset Protection Permit has been issued must comply with all conditions and requirements of the Asset Protection Permit.

(3) An *owner, occupier of land or builder* must not, without an Asset Protection Permit, cause or allow:

(a) entry to the *building site* with a *motor vehicle* that has a gross weight exceeding two tonnes;

(b) a *road t*o be occupied for the carrying out of any works in association with the *building works* or *building site;*

(c) the connection of *land* to a stormwater drain vested in Council's control;

(d) the opening, alteration or repair of a drain vested in Council's control in association with the *building works* or *building site*;

(e) vehicular access to the *building site* from a point other than a *vehicle* crossing; or

(f) the use of any *land* adjoining or within proximity of the *building site* for the purpose of storing materials or equipment associated with the *building works* or *building site*.

(4) An application for an Asset Protection Permit must:

(a) be accompanied by such fee as is fixed by *Council*;

(b) include a statement from the *person* in charge of the *building works* about the location and the extent of any pre-existing damage to public infrastructure assets adjacent to the *building site*; and

(c) be lodged with *Council* prior to commencement of the activity for which the Asset Protection Permit is required.

(5) *Council* may exempt an *owner, occupier of land or builder* from one or more of the obligations imposed by sub-clauses (1) to (3) subject to such conditions it considers appropriate.

(6) An *owner, occupier of land or builder* must repair to the satisfaction of *Council* or an *Authorised Officer*, roads, road reserves, channels, drains, vehicle crossings or any other asset owned or vested in *Council*, which has been damaged, altered, compromised or interfered with in connection with the *building site* for which an Asset Protection Permit has been obtained.

(7) *Council* or an *Authorised Officer* may approve the carrying out of work by another *person*, or carry out the work itself where:

(a) damage, alteration, compromise or interference has occurred to a Council asset as a result of *building works*; or

(b) there is a danger to life, safety, property, or the environment.

(8) Where work under sub-clause (7) is carried out by *Council* or another *person* on behalf of *Council, Council* may recover the cost of the work from the *owner, occupier of land or builder.*

(9) For the purposes of sub-clause (7), *Council* or an *Authorised Officer* may determine the reasonable cost of conducting repairs to *Council* assets.

61. Requirement for a Bond

(1) If in the opinion of *Council* or an *Authorised Officer,* it is likely that any *Council* asset may be damaged, altered, compromised or interfered with in the course of any *building works* for which an Asset Protection Permit has been issued, the *owner, occupier of land or builder* may be required to pay a bond to *Council*.

(2) The amount of any bond under sub-clause (1) must be determined by *Council* or the *Authorised Officer* having regard to the probable cost of repairing any damage, alteration, compromise or interference that is likely to be caused.

(3) Any bond or part of a bond paid to *Council* under sub-clause (1) may be retained by *Council* to meet the cost of repairing any damage, alteration, compromise or interference which an *owner* or *occupier* of *land* or the *builder* has failed to repair in accordance with their obligations under clause 60.

(4) *Council* must refund any bond, or part of a bond, paid to it under sub-clause (1) if *Council* or an *Authorised Officer* is satisfied that:

(a) there has been no damage, alteration, compromise or interference to *Council* assets as a consequence of the *building works*; or

(b) any such damage, alteration, compromise or interference has been repaired in accordance with clause 61.

62. Works on Council Land or Roads

(1) A *person*, other than a *utility*, must not, without a *permit*, undertake *works* in, on, under or over a *road* or *Council land* or allow another *person* to do so.

(2) In granting a *permit* under sub-clause (1), *Council* may require the *person* who undertakes the *works* in, on, under or over the *road* or *Council land* to:

(a) pay a bond proportionate to the estimated cost of repairing any damage to the *road* or *Council land*; and

(b) take such precautions during and before the *works* to protect the safety of the public as *Council* may require and to Council's satisfaction.

(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 *Council* to offset the cost of repairing the damage.

63. Vehicle Crossings

(1) An *owner* or *occupier* of *land* must ensure that each point of vehicular access from a *road* to the *land* has an appropriately constructed vehicle crossing, which is suitable for the adjacent *land* use, approved by an *Authorised Officer.*

(2) An *owner* or *occupier* of *land* must not access or allow any *person* to access the *land* by *vehicle* other than over a *Council* approved vehicle crossing.

(3) A *person* must not, without a *permit*, construct, remove or relocate or alter a vehicle crossing.

(4) The *Council* or an *Authorised Officer* may by notice in writing to the *owner* or *occupier* of *land*, require the construction of a permanent or temporary vehicle crossing to any *land* with the full cost of such construction works to be borne by the *owner* or *occupier* of the *land*.

(5) A *vehicle* crossing must be constructed and sited to the satisfaction of *Council* or an *Authorised Officer*.

(6) If *Council* or an *Authorised Officer* has required the *owner* or *occupier* of *land* on which *building works* are to occur to construct a *vehicle* crossing under sub-clause (4), *building works* must not commence until the *vehicle* crossing has been constructed.

(7) *Council* or an *Authorised Officer* may by notice in writing to the *owner* or *occupier* of *land* require the repair of a *vehicle* crossing, which is in a state of disrepair, with the full cost of such repair to be borne by the *owner* or *occupier* of the *land*.

(8) *Council* or an *Authorised Officer* may by notice in writing to the *owner* or *occupier* of *land* require the removal of a *vehicle* crossing and reconstruction of the kerb, channel, drain, culvert and *footpath* if the *vehicle* crossing is, in the opinion of an *Authorised Officer*, no longer required, with the full cost of such removal to be borne by the *owner* or *occupier* of the *land*.

(9) An *owner* or *occupier* of *land* must, at the *owner* or *occupier's* own cost, ensure that the *vehicle* crossing between the *road* and the boundary of such *land* is maintained and kept in good condition.

64. Drainage

(1) An *owner or occupier* of *land* must ensure that:

(a) the *land* is adequately drained to the satisfaction of an *Authorised Officer*;

(b) the *land* does not discharge water that is a nuisance to an *owner* or *occupier* of adjoining *land*;

(c) water does not discharge from an air conditioner or other equipment on that *land* onto a *footpath*; and

(d) a private stormwater drainage system or on-site stormwater detention system serving a residential, commercial or other property is maintained in a condition that is not:

(i) dangerous to health;

(ii) unsightly;

(iii) a nuisance; or

(iv) hindering, obstructing, or interfering with the operation of the drain.

(2) An *owner or occupier* of *land* must not:

(a) without a *permit*, alter the course of an overland flow of water, whether or not there is an easement over the flow path;

(b) fail to carry out rectification or maintenance works when directed to do so by an *Authorised Officer;* or

(c) carry out *works* within or fill in drains located in any easement on the *land*, whether the easement is in favour of *Council* or otherwise.

(3) A *person* must not discharge or cause to be discharged any material into a drain or watercourse, which is vested in or under the control of *Council*, except for the discharge of stormwater.

(4) A *person* must not damage, obstruct, interfere with or cause or allow to be caused damage, obstruction or interference with a drain, which is vested in or under the control of *Council*.

(5) A *person* must not, without a *permit*, tap into any drain, culvert or sewer vested in or under the control of *Council*.

65. Occupation of Roads

(1) A *person* must not, without a *permit,* occupy (either wholly or partially) a *road* for any works that involve:

(a) fencing off part of the *road*;

(b) erecting a hoarding, gantry, scaffolding or overhead protective awning;

(c) using a mobile crane, hoist, lift, travel tower, concrete pump or similar machinery;

(d) making a hole or excavation;

(e) filling a hole or excavation;

(f) leaving or storing any building, paving or other construction materials or any tools, machinery, plant, or equipment; or

(g) installing or erecting public safety precautions on or over a road alignment.

(2) Sub-clause (1) does not apply to the *works* or activities of a *utility*.

Explanatory note:

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

66. Interfering with Roads, Council Land, or Infrastructure

A *person* must not, without a *permit*:

(a) destroy, deface, interfere with, or cause damage to a *road*, *Council land, Council* infrastructure or a *Council* asset or allow another *person* to do so; or

(b) remove any thing from a *road* or *Council land* or allow another person to do so.

67. Obstructions on Roads and Council Land

(1) A *person* must not, without a *permit,* allow, place, store or leave any thing on a *road* or *Council land,* unless allowed under any other Act or regulation.

(2) Sub-clause (1) does not apply to the *works* or activities of a *utility*.

68. Spoil on Roads

(1) A *person* must not allow any soil, earth, mud, clay, cement slurry, liquid waste, or other *litter* to fall or escape from a *vehicle* onto a *road* in the course of any trade, industry, or commercial undertaking.

(2) A *person* must not allow any fuel, grease, oil, mud, clay, cement slurry, paint, detergents, or other *litter* to run from a *vehicle* whilst being cleaned and to be deposited onto a *road*, or into a drain or gutter.

(3) If the *operator* of the *vehicle* cannot be found, the *owner* or *occupier* of the *land* or the person in charge of the building or works at the *land* where the *vehicle* is likely to have been soiled, is guilty of an offence under sub-clauses (1) or (2).

(4) An *owner or occupier* of private *land* must not allow any soil, earth, mud, clay, cement slurry, liquid waste, or other litter to be discharged from that *land* onto a *road* or *Council land*.

Division 2: Building Site Amenity

69. Site Identification

(1) An *owner, occupier of land or builder* must, prior to the commencement of any *works*, erect and maintain in a conspicuous position accessible to the public and close to the main entrance to the *building site* identification which:

(a) is at least 600 millimetres in height and 400 millimetres in width;

(b) is clearly visible and legible from the *road*;

(c) contains the lot number, as described on the Certificate of Title relevant to the *land*;

(d) identifies the name, registration number, telephone contact number and postal address of the *builder*;

(e) identifies the name, registration number and contact details of the relevant building surveyor; and

(f) identifies the building permit number and the date of issue of the permit.

(2) The site identification described in sub-clause (1) must continue to be displayed and remain visible and legible for the duration of the *building works*.

70. Stormwater Protection – Including Silt, Mud and other Pollutants

An *owner, occupier* of *land or builder* must ensure that the *building site* is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal waste or gross pollutants or other associated builder's refuse. This includes, but is not limited to, adoption of measures to:

(a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting *road* and/or adjoining *land* or washed into the stormwater system by installing silt barriers;

(b) prevent building clean-up, wash down or other wastes and builder's refuse being discharged offsite or allowed to enter the stormwater system;

(c) ensure all *vehicles* delivering materials to the *building site* are prevented from depositing mud, sand, soil, or stones onto *Council's road* network;

(d) ensure that any waste which has spilled onto the *road*, *nature strip* or surrounding area is removed as soon as practicable so that any residues are prevented from entering the stormwater system;

(e) ensure that any *footpath* adjacent to the *building site* or likely to be affected by the *building works* is kept clear of mud, dirt, stones and all loose debris at all times; and

(f) ensure that the *building site* is managed and controlled in accordance with the principles of relevant best practice guidelines as issued from time to time by the Environmental Protection Authority, Melbourne Water, or any other relevant organisation that may come into operation.

71. Dust

An *owner, occupier* of *land or builder* must take all reasonable steps to ensure that the *building site* is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents through reduced visibility, reduced air quality and the effects of deposition of dust generated from the *building site*.

72. Sanitary Facilities

An *owner, occupier of land or builder* must ensure that appropriate sanitary facilities are provided on a *building site* for the duration of the *building works.*

73. Site Fencing

(1) An *owner, occupier of land or builder* must ensure that:

(a) all *building works* are undertaken entirely within the *building site*; and

(b) materials are not deposited, stored or stockpiled on any part of the *road* or *Council land* without the approval of *Council*.

(2) An *owner, occupier of land or builder* must ensure that prior to the commencement of any *building works* and for the duration of the *building works*, the *building site* is provided with adequate hoarding or site fencing that:

(a) is not less than 1.5 metres in height;

(b) is capable of preventing *litter* from being transported from the *building site* by wind;

(c) has not more than one access opening to the *building site* which is located to correspond with the location of the vehicle crossing for the *building site*, and is kept closed at all times when *building works* are not in progress;

(d) when erected on the boundary of the *building site's* property line, it does not protrude into or onto any *land* other than the *building site;* and

(e) may enclose more than one *building site* where the *owner, occupier of land or builder* is responsible for adjoining *building sites.*

(3) The requirement to provide hoarding or site fencing under this clause may be waived or varied in writing by *Council* or an *Authorised Officer*.

74. Containment and Removal of Waste

(1) An *owner, occupier of land or builder*, must prior to the commencement of any *building works*, and for the duration of the *building works*:

(a) provide a closed waste facility suitable for the disposal of builder's waste which may become wind-blown;

(b) place the waste facility on the *building site* and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the *building works*;

(c) not place a waste facility on any *Council land* or *road* without a *permit*;

(d) ensure that all builder's waste which requires containment is placed in the refuse facility;

(e) keep the waste facility closed to prevent wind-blown litter refuse escaping from the waste facility; and

(f) empty the waste facility whenever full and, if necessary, provide a replacement facility during the emptying process.

(2) The requirement to provide a waste facility may be waived at *Council's* discretion.

(3) An *owner, occupier of land or builder* must remove and lawfully dispose of all builders' waste within fourteen days of completion of the *building works.*

75. Site Access and Hours of Operation

(1) An *owner, occupier* of *land or builder* must not, without a *permit,* carry out or cause or allow any *works* to be carried out on the *building site* other than between the hours of:

(a) 7am and 6pm Monday to Friday;

(b) 9am and 1pm on Saturday for residential construction and demolition sites; and

(c) 7am and 1pm on Saturday for commercial and industrial construction and demolition sites.

(2) An *owner, occupier of land or builder* must not, without a *permit*, cause or allow:

(a) any movement of *vehicles* or site preparation works;

(b) any unloading of equipment or deliveries to the *building site* or idling of *vehicles*; or

(c) loud talking or the use of radios on the *building site* -

before the permitted commencement times listed in sub-clause (1) or at any time on a Sunday or public holiday.

Explanatory Note:

The construction and demolition times referenced above are consistent with the EPA Publication 1834 – Civil Construction, Building and Demolition Guide.

76. Direction to Cease Building Works

(1) An *Authorised Officer* may inspect a *building site* at any reasonable time and may direct any *person* found to be in contravention of this Local Law or a *permit* issued under this Local Law, to cease carrying out the *building works* immediately or within any period the *Authorised Officer* considers reasonable.

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

PART 8: ADMINISTRATION AND ENFORCEMENT

Division 1: Administration

77. Exercise of Discretion

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

(a) the objectives of this Local Law; and

(b) any other relevant matter.

78. Impounding

(1) An *Authorised Officer* may seize and impound a thing which has been or is being used or possessed in contravention of this Local Law.

(2) Where a thing has been impounded under this Local Law, *Council* or an *Authorised Officer* must, if it is practicable to do so, serve notice of the impounding personally or by registered mail on the *person* who appears to be the owner of the impounded thing.

(3) If the identity or whereabouts of the owner of a thing impounded under this Local Law is unknown, the *Authorised Officer* must take reasonable steps to ascertain the owner's identity or whereabouts prior to exercising their powers under clause 79. This includes working with relevant support services and organisations operating to assist people experiencing homelessness.

(4) An impounded thing must be surrendered to –

(a) its owner; or

(b) a *person* acting on behalf of the owner who provides evidence to the satisfaction of an *Authorised Officer* of their authority to do so,

provided that:

(i) evidence to the satisfaction of the *Authorised Officer* is produced of the owner's right to the thing; and

(ii) payment of any fee and reasonable costs of impounding determined by *Council* or an *Authorised Officer* is paid.

(5) Sub-clause (4) does not apply where the impounded thing cannot reasonably be kept or possessed in accordance with this Local Law.

Explanatory note:

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

The Maribyrnong Homelessness Protocol provides a framework for:

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

79. Disposal

(1) An *Authorised Officer* may sell, destroy, dispose of, or give away any thing impounded under this Local Law if:

(a) the impounded thing has not been returned to the owner or a *person* acting on the owner's behalf within fourteen days of service of the notice of impounding;

(b) the owner of the thing or a *person* acting on the owner's behalf has not paid the fee and reasonable costs of impounding determined by *Council* or an *Authorised Officer* within fourteen days of service of the notice of impounding; or

(c) no notice of impounding has been able to be served on the owner of the impounded thing.

(2) If the impounded thing is perishable and will not survive the period specified in sub-clause (1), the *Authorised Officer* may dispose of the thing sooner.

(3) *Council* is entitled to retain the proceeds of sale of any impounded thing towards its reasonable costs incurred in impounding, keeping, and selling the thing.

80. Permits - General

(1) An application for a *permit* under this Local Law must be:

(a) submitted in a form approved by *Council* or an *Authorised Officer*; and

(b) accompanied by the fee prescribed by *Council*, unless waived by *Council* or an *Authorised Officer*.

(2) *Council* or an *Authorised Officer* may require an applicant for a *permit* to supply more information before *Council* or the *Authorised Officer* deals with the *permit* application, or to give notice of the application in a manner specified by *Council* or an *Authorised Officer*.

(3) *Council* or an *Authorised Officer* may in their absolute discretion decide:

(a) to grant a *permit* with or without conditions; or

(b) to refuse a *permit*.

(4) *Council* or an *Authorised Officer* may cancel a *permit* if:

(a) there has been a serious or ongoing breach of the conditions of the *permit*;

(b) a Notice to Comply has been issued, but not complied with within seven days after the time specified in the Notice to Comply;

(c) there was a significant error or misrepresentation in the application for the *permit*;

(d) there has been a significant error in relation to the grant of the *permit*; or

(e) there has been a significant change of circumstances since the grant of the *permit*.

(5) *Council* or an *Authorised Officer* may correct a *permit* if that *permit* contains:

(a) an unintentional error or an omission;

(b) a significant miscalculation of figures; or

(c) a significant mistake in the description of a *person*, thing, or property referred to in the *permit*.

(6) *Council* or an *Authorised Officer* may, during the period of a *permit* alter the conditions of the *permit* if it considers it appropriate to do so.

(7) Before cancelling or correcting a *permit* or altering the conditions of a *permit* under sub-clauses (4) to (6), *Council* or an *Authorised Officer* must provide the *permit* holder an opportunity to make written submissions on the proposed cancellation, correction or alteration.

(8) *Council* may exempt a *person* or class of persons from the requirement to obtain a *permit* under this Local Law.

(9) Except where expressly stated in this Local Law or in a *permit*, a *permit* expires one year after the date it was granted.

(11) The holder of a *permit* granted under this Local Law must comply with all *permit* conditions and any requirements in a *Council policy* or incorporated document applicable to that *permit.*

(12) A *person* must not make a false representation or declaration or intentionally omit significant information in an application for a *permit* or *permit* exemption.

Division 2 - Enforcement

81. Notice to Comply and Verbal Direction

(1) An *Authorised Officer*, who reasonably believes that a *person* has contravened any provision of this Local Law, may give a verbal direction to, or serve a Notice to Comply or both on a *person* to do a thing or carry out work to remedy the thing, which constitutes the contravention.

(2) A written record of the verbal direction given must be made by the *Authorised Officer.*

(3) A verbal direction given or a Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be done, or the work carried out.

(4) The time required by a verbal direction given or Notice to Comply issued under this Local Law must be reasonable in the circumstances, having regard to:

(a) the amount of work involved;

(b) the degree of difficulty;

(c) the availability of necessary materials or other necessary items;

(d) climatic conditions;

(e) the degree of risk or potential risk; and

(f) any other relevant matter.

(4) If a *person* who was given a verbal direction or served with a Notice to Comply, fails to carry out any work or remedy anything stipulated in the verbal direction or Notice to Comply, *Council* or the *Authorised Officer* may approve the carrying out of the work or the remedying of the thing by another *person* or carry out the work itself and recover the cost of performing the work or remedying the thing from the *person* who failed to carry out the work or remedy the thing.

(5) A *person* may make representations, within fourteen days after being given a verbal direction or served with a Notice to Comply, to *Council* or the *Authorised Officer* about matters contained in the verbal direction or Notice to Comply, but nothing in this right or the exercise of this right relieves the *person* from complying with the verbal direction or Notice to Comply unless the *Authorised Officer* who issued the verbal direction or Notice to Comply otherwise directs.

(6) A *person* to whom a verbal direction or Notice to Comply is issued under sub-clause (1) must comply with the verbal direction or Notice to Comply.

82. Infringement Notices

(1) If an *Authorised Officer* believes on reasonable grounds that a *person* is contravening or has contravened any provision under this Local Law, the *Authorised Officer* may, as an alternative to a prosecution for an offence, serve on that *person* an *Infringement Notice*.

(2) The penalties fixed for *Infringement Notices* are set out in Schedule 1.

83. Power to Act in Urgent Circumstances

(1) *Council* or an *Authorised Officer* may, where a contravention of this Local Law occurs or unless restrained is likely to occur or reoccur, take action considered necessary to prevent any danger to the environment or any nuisance arising, provided that:

(a) *Council* or an *Authorised Officer* considers the circumstances to be sufficiently urgent and that the time necessary, or potential difficulty in serving a Notice to Comply, may place a *person*, *animal*, property, or the environment at risk or in danger of substantial detrimental effect;

(b) the *Chief Executive Officer* of the *Council* or their delegate, not being the *Authorised Officer* administering this clause, approves of the proposed action; and

(c) details of the circumstances and the remedial action taken are as soon as practicable forwarded to the *person* or persons who have contravened or are likely to contravene this Local Law.

(2) Action taken by *Council* or an *Authorised Officer* under this clause shall not extend beyond what is necessary to cause the immediate abatement or minimisation of the risk or danger.

(3) Where *Council* undertakes work in accordance with this clause, it may recover the cost of performing the work from the *person* who has contravened or who is likely to contravene this Local Law.

84. Offences and Penalties

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

(a) any provision under this Local Law;

(b) any condition contained in a *permit* issued under this Local Law or any requirements in the *Council Policy* applicable to that *permit*;

(c) any *Council* sign;

(d) any verbal direction issued by an *Authorised Officer*; or

(e) any Notice to Comply by the date specified in the Notice to Comply -

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

(i) twenty *penalty units*; and

(ii) a further penalty of one *penalty unit* for each day during which the contravention continues.

85. Offences by Corporations

(1) If a *person* charged with an offence against this Local Law is a *corporation*, any *person* who is concerned or takes part in the management of that *corporation* may be charged with the same offence.

(2) If the *corporation* is found guilty of an offence against this Local Law, a *person* charged with the same offence may also be found guilty of that same offence and is liable to the penalty for that offence, unless that *person* proves that the act or omission constituting the offence took place without their knowledge or consent.

86. Operator Onus Offence

If the *operator* of a *motor vehicle* that is used in the commission of an offence under this Local Law cannot be found, the registered owner of that *motor vehicle*, is guilty of that offence.

SCHEDULE 1: INFRINGMENT NOTICE PENALTIES

Clause	Topic	
	Part 2 - Your Property	
9	Unsightly land	2
10	Dilapidated buildings	5
11	Dangerous land	5
12	Overhanging obstructions or vegetation	2
13	Donation bins on private land	1
14	Vehicles on private land	2
15	Camping on private land	2
16	Property numbers	1
17	Audible intruder alarm	2
18	Lighting	2
19	Recreational vehicles on private land	2
20	Incinerators, Fires and Open-Air Burning	5
21	Direction to Extinguish Fires	5
	Part 3 – Pets and Animals	
22	Permitted quantity of animals	2
23	Keeping of animals	2
24	Animal waste	2
25	Animal noise	1
26	Feeding of animals	1
27	Wasps and bees	1
	Part 4 – Council Land, Roads and Public Places **Division 1 – Behaviour**	
28	Behaviour on roads and Council land	2
29	Access to a municipal place	2
30	Tree and vegetation protection on Council land	5
31	Nature strip planting	2
32	Smoking in a smoke free area	2
33	Smoking on Council land	2
34	Consumption and possession of liquor	3
35	Council sign	2
36	Activities in or on a reserve	2
37	Camping on a road or Council land	2
38	Restrictions on burning in the open air in public places and on Council land	5
39	Shipping containers on Council land	2
	Part 4 – Council Land, Roads and Public Places **Division 2 – Vehicles**	
40	Repair of vehicles	2
41	Display of vehicles	2

Clause	Topic	
42	Heavy vehicles on Council land or roads	3
43	Abandoned, derelict and unregistered vehicles	2
44	Toy vehicles and bicycles	1
45	Use of recreational vehicles in a public place	2
	Part 5 – Business and Trade	
46	Advertising signage	2
47	Street furniture and display of goods	2
48	Trading activities	3
49	Street collection and distribution	1
50	Spruiking	1
51	Busking, fundraising and community awareness	1
52	Commercial filming	5
53	Circuses, carnivals, festivals and events	5
54	Donation bins on Council land	1
55	Shopping trolleys	2
	Part 6 – Waste Management	
56	Domestic waste	1
57	Hard waste collection	1
58	Trade and commercial waste	5
59	Bulk rubbish containers	2
	Part 7 – Council Asset Protection and Building Site Amenity **Division 1 – Council Asset Protection**	
60	Asset protection permits	5
62	Works on Council land and roads	5
63	Vehicle crossings	5
64	Drainage	5
65	Occupation of roads	5
66	Interfering with roads, Council land or infrastructure	5
67	Obstructions on roads and Council land	5
68	Spoil on roads	5
	Part 7 – Council Asset Protection and Building Site Amenity **Division 2 – Building site amenity**	
69	Site identification	5
70	Stormwater protection – including silt, mud and other pollutants	5
71	Dust	5
72	Sanitary facilities	5
73	Site fencing	5
74	Containment and removal of waste	5
75	Site access and hours of operation	5
76	Direction to cease building works	5

Clause	Topic	
	Part 8 – Administration and Enforcement **Division 1 - Administration**	
84	Offences and penalties	5
	Other	
	Any offence not referred to elsewhere in this table	2