



COMMUNITY LOCAL LAW [consolidated]

Table of Contents

PART 1 – PRELIMINARY, OBJECTIVES & DEFINITIONS	6
Title	6
What are the objectives of this Local Law?	6
What authorises this Local Law?	6
When does this Local Law commence?	6
When does this Local Law end?	6
To what part of the municipal district does this Local Law apply?.....	6
What does this Local Law replace?.....	6
Reference documents.....	7
Definition of Words used in this Local Law	8
Explanation of Words used in this Local Law	14
PART 2 - Your Property.....	14
Property Numbers	14
Domestic Waste, Green Waste, Recyclable Material & Hard Waste.....	14
Bins.....	14
Bin - Flats & Units	15
Hard Waste	15
Tree Prunings	15
Disposal of Refrigerators & other Compartments	16
Chimneys.....	16
Audible Intruder Alarms.....	16
Dangerous or Unsightly Premises	16
Noxious Weeds	17
Motor Vehicles, Machinery & Second-hand Goods	18
Your Trees.....	19
Tree Protection.....	19
Trees or Plants Causing Damage to Council Land, or on Council Land.....	19
Your Pets.....	20
Keeping of Animals	20
Animals & Amenity	21
Litters of Animals.....	21
Housing of Animals	21
Permits Relating to the Number of Animals Kept.....	22
Grazing Animals.....	23
Vehicles.....	23
Parking Management	23

Repair & Display of Vehicles	24
Abandoned, Derelict & Unregistered Vehicles	24
Obstruction to free use of a road	25
Transportation of Waste	25
Street Parties, Street Festivals and Processions	25
Restriction of Use of a Road by Heavy Vehicles.....	26
Storing or Servicing of Heavy Vehicles.....	26
PART 4 - HEALTH	27
PART 5 – BUSINESS & CONSTRUCTION AND WORKS	27
Business.....	27
Road Regulation of Trading.....	27
Moveable Advertising Signs & Display of Goods	27
Busking	28
Outdoor Eating Facilities	28
Shopping Trolleys	28
Street Appeals.....	29
Street Stalls.....	29
Wheeled Recreational Devices, Wheeled Toys & Bicycles	29
Industrial, Trade & Commercial Rubbish	31
Sale of Aerosol Spray Paint Containers	32
Construction and Works.....	32
Tapping into Drains	32
Interference with Water Courses	32
Management of Stormwater	32
Road Occupation & Works	33
Vehicle Crossings	33
Asset Protection	34
Construction Management	34
Inspections of a Building Site	34
Temporary Toilet Facilities on Building Sites	35
Behaviour in Council Buildings	35
Availability & Hire	36
Management Committees	36
Hours	36
Prohibition on Entry.....	36
Prohibited Articles	37
PART 7 – COUNCIL LAND & FORESHORE RESERVES	37

Behaviour on Council Land & Foreshore Reserves	37
Use of Council Land & Foreshore Reserves.....	38
Access to Council Land & Foreshore Reserves.....	39
Animals in or on Council Land & Foreshore Reserves.....	39
Enclosures	40
Fires.....	40
Stranded Vehicles	40
Bathing Boxes & Boathouses	40
Defacing Council Land	41
Bin Skips.....	41
Materials on Roads or Council Land.....	42
Substances from Livestock.....	43
Camping on Council Land & Public Places.....	43
Trees & Plants Overhanging Roads Council Property	43
Circuses & Carnivals.....	43
PART 8 - CONSUMPTION OF LIQUOR AND SMOKING IN PUBLIC PLACES.....	44
Consumption of Liquor.....	44
No Smoking in Smoke Free Areas.....	45
Lighting Fires in the Open & Incinerators	46
Barbecue	46
Directive Powers.....	46
PART 9 FIRE	46
Lighting of fires in open air	46
Fires on private property	46
Fire hazards.....	46
Roads and footpaths.....	46
Incinerators.....	47
Electric and gas BBQs, pizza ovens, and manufactured fireplaces.....	47
Directive Powers.....	47
PART 10 – PERMITS & DELEGATION.....	47
Applying for a Permit	47
Fees	48
Issue of Permits.....	48
Conditional Permits	48
Duration of a Permit.....	48
Cancellation of a Permit.....	48
Correction of Permits	49
Registers	49
Service Authorities.....	49

Exemptions.....	49
Offences	50
Delegation	50
Part 11 – ENFORCEMENT	50
Impounding.....	50
Notice to Comply	51
Time to Comply.....	51
Failure to Comply with a Notice to Comply.....	51
Offences	52
Infringement Notices.....	52
SCHEDULE 1 – PENALTIES FOR OFFENCES AGAINST THIS LOCAL LAW.....	53

DIVISION 1 – PRELIMINARY PROVISIONS

TITLE

1. This Local Law will be known as the “Community (Miscellaneous Amendments) Local Law 2021

OBJECTIVES

2. The objectives of this Local Law are to:
 - 2.1 amend Council’s Community Local Law;
 - 2.2 make improvements to provide for a safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
 - 2.3 provide for improvements for the protection and enhancement of the amenity and environment of the municipality; and
 - 2.4 provide for the peace, order and good government of the municipal district.

AUTHORISING PROVISION

3. This Local Law is made under s 71(1) of the Local Government Act 2020.

COMMENCEMENT AND AREA OF OPERATION

4. This Local Law
 - (1) commences on 1 March 2022; and
 - (2) operates throughout the Municipal District.

REVOCAION DATE

5. This Local Law ceases to operate on the day on which Council’s Community Local Law ceases to operate.
6. Not in use

What does this Local Law replace?

7. From the commencement of this Local Law, the following Local Laws are revoked:
 - a. Public Health Local Law (Local Law No.1 of 2005)
 - b. Roads and Traffic Local Law (Local Law No. 2 of 2005)
 - c. Roads and Traffic (Amendment) Local Law 2006
 - d. Management of Council Property Local Law (Local Law No. 3 of 2005)
 - e. Foreshore Reserves Local Law (Local Law No. 4 of 2005)
 - f. Environment and Amenity Local Law (Local Law No. 5 of 2005)
 - g. Birds, Animals, Poultry, Rodents and Bees Local Law (Local Law No. 6)

Reference documents

8. Reference is made to the following documents, as amended from time to time:
 - a. *Australian Standard AS4373 – 2007 Pruning of Amenity Trees*, which is incorporated into and forms part of this Local Law
 - b. *Australian Standard AS4970 – 2009 Protection of Trees on Development Sites*, which is incorporated into and forms part of this Local Law
 - c. *Busking Guidelines*, which are incorporated into and form part of this Local Law
 - d. *Building Site Stormwater Code of Practice*, which is incorporated into and forms part of this Local Law
 - e. *Catchment and Land Protection Act 1994*
- 8.5A *City of Kingston Environmental Weed List*, which is incorporated into and forms part of this Local Law
- 8.5B *Construction Management Guidelines*, which are incorporated into and form part of this Local Law
- 8.6 *Domestic Animal Act 1994*
- 8.7 *Firearms Act 1996*
- 8.8 *Footpath Activities Policy*, which is incorporated into and forms part of this Local Law
- 8.9 *Food Act 1984*
- 8.10 *Gambling Regulation Act 2003*
- 8.11 *A 'Good Neighbour' Code of Practice for a Circus or Carnival* which is incorporated into and forms part of this Local Law
- 8.12 *Guideline on Asset Protection Permits*
- 8.13 *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service*, which is incorporated into and forms part of this Local Law
- 8.14 *Guideline on Property Numbers: Size, Location and Visibility*
- 8.15 *Heavy Vehicle National Law (Victoria)*
- 8.16 *Infringements Act 2006*
- 8.17 *Interpretation of Legislation Act 1984*
- 8.18 *Kingston Planning Scheme*
- 8.19 *Liquor Control Reform Act 1998*
- 8.20 *Livestock Disease Control Act 1994*

- 8.21 *Local Government Act 1989*
- 8.22 *Motor Car Trader Act 1986*
- 8.23 *Nature Strip Planting Guidelines*, which are incorporated into and form part of this Local Law
- 8.23 A *Parking Management Policy*, which is incorporated into and forms part of this Local Law
- 8.24 *Planning and Environment Act 1987*
- 8.25 *Prevention of Cruelty to Animals Act 1986*
- 8.26 *Public Health and Wellbeing Act 2008*
- 8.27 *Road Management Act 2004*
- 8.28 *Road Safety Act 1986*
- 8.29 *Sentencing Act 1991*
- 8.30 *State Environment Protection*
- 8.31 *Street Numbering Policy*
- 8.32 *Summary Offences Act 1996*
- 8.33 *Wildlife Act 1975*
- 8.34 *Wildlife Regulations 2013*

9. Definition of Words used in the Local Law

Unless inconsistent with the context or subject-matter, the following words and phrases are defined to mean or include:

Acceptable no smoking sign has the meaning as ascribed to it by the *Tobacco Act 1987 Act* means the *Local Government Act 1989*.

advertising sign means any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or otherwise, where goods or services may be obtained.

animal includes every species of quadruped and every species of bird (including, without limitation, poultry).

agricultural animal includes a pig, cow, sheep, horse, donkey and goat.

appointed agent means the person authorised in writing by an *owner* of a *building* or *land* to make an application, appeal, referral or representation on the *owner's* behalf.

approved means approved in writing by *Council*.

Asset Protection Permit means a written *permit* issued by *Council* for the protection of *public*

infrastructure assets during *building work*.

assistance animal means any animal trained to support people with a disability in *public places*, in employment and when accessing goods and services and includes sight dogs, hearing dogs, mobility dogs and psychiatric service dogs.

audible intruder alarm means a device, installed or retained in a *premises* by or at the direction of the *owner* or *occupier* of the *premises*, which is designed to be (or which has the effect when switched on or being) activated by the presence of any intruder on the *premises* so as to emit noise capable of being heard beyond the boundary of the *premises* in which it is installed.

Authorised Officer means a person appointed by *Council* to be an Authorised Officer under section 224 of the *Act*.

bicycle means a *vehicle* with two or more wheels built to be propelled partly or wholly by human power, but does not include a *wheeled recreational device* or a *wheeled toy*.

bin means a *Council* approved wheeled mobile collection container having a capacity of 80 litres, 120 litres, 240 litres, 360 litres or 660 litres supplied to *premises* by *Council* in connection with *Council's* regular trade or *domestic waste*, *green waste* or recycling waste collection service.

bin skip means a container or other structure designed or used for holding a substantial quantity of *rubbish* that is unable to be lifted without mechanical assistance but does not include *bins* used in connection with *Council's* regular collection of *domestic waste*, *green waste*, commercial, industrial or trade waste.

builder means a person who has applied to *Council* (or any other person by whom such an application may be made) for a *building permit* or, if no such application has been made, the person in charge of any *building work* 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, or on part of which, *building work* is being carried out.

building work means any activities, events and practices for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a *building* or any landscaping or excavation works which may impact on *public infrastructure assets*

camp includes to:

- a) erect, occupy or use any tent, caravan or *vehicle* or any temporary makeshift or similar structure for the purpose of accommodation; and
- b) park, occupy or use any caravan or other moveable form of accommodation.

carriageway means the portion of the *road* generally available for traffic by registered *motor vehicles*, whether sealed, formed or unconstructed.

cat means a cat of either sex over the age of 12 weeks, and includes any de-sexed cat over the age of 12 weeks.

charity or clothing recycling bin means any bin placed by or on behalf of any charitable or non-profit organisation and dedicated to the collection of used clothing or small household items.

Chief Executive Officer has the meaning ascribed to it by the *Act*. *construction period* means the period during which *building work* is carried out. *contractor* means a person who contracts to provide *building work*.

Council means Kingston City Council.

Council building means any *building* (and its grounds) owned, occupied, controlled and/or managed by *Council* which has some or all areas designated for public access irrespective of whether it also has some or all areas designated for *Council* staff access only.

Council land means any land either vested in or under the control of *Council*, including roads, reserves, water courses and *foreshore reserves*.

designate and *designated by Council* means set or having set out any matter or thing by resolution of Council or determination of a person with the necessary delegated authority.

dog means a dog of either sex over the age of 12 weeks, and includes any de-sexed dog over the age of 12 weeks.

domestic waste means all waste or *rubbish* produced or accumulated in or on any *land* but excludes:

- a) *hard waste* and *recyclable material*;
- b) waste that is not effectively sealed, including any slops or liquid waste or any moist refuse unless such moist refuse has been previously drained and effectively wrapped;
- c) burning or hot material;
- d) night soil, medical waste or other matter which could cause injury or danger to any person;
- e) oil, paint, solvents, chemicals or similar substances or any other thing, substance or material whatsoever which may damage such bin or receptacle or reduce its strength or effectiveness; and
- f) any item of material which takes the total weight of the contents of a *bin* over 70 kilograms.

dwelling means any structure that is designed to be used for human habitation and is capable of being so used.

e-cigarette has the meaning ascribed to it by the *Tobacco Act 1987* *environmental weed* has the meaning ascribed to it by the *City of Kingston*

Environmental Weed List foreshore reserve means all *land* whether owned or managed by the *Council* adjacent to the waters of Port Phillip Bay extending to the low water mark but excluding any *road* reserve.

green waste means all organic waste produced or accumulated in or on any *land*, including grass clippings, branches, garden prunings and leaves but excluding any log, stump, soil, rubbish, *domestic waste* or portion of a tree, shrub, trunk or branch which has a diameter exceeding 75 millimetres or a length exceeding 400 millimetres.

hard waste is any waste *designated* by *Council* but excludes *domestic waste*, *green waste* and *recyclable waste*.

heavy vehicle has the meaning ascribed to it by the *Road Safety Act 1986*.

incinerator means a structure, device or contraption (not enclosed in a *building*) which is:

- a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; and
- (b) not a barbecue, pizza oven or *manufactured fireplace* designed exclusively for cooking food for human consumption or creating heat outdoors.”

Infringement Notice means an Infringement Notice issued by an *Authorised Officer*.

land has the meaning ascribed to it by the *Interpretation of Legislation Act 1984*.

large bird means any pigeon, cockatoo, parrot or other bird but does not include poultry or *small birds*.

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

manufactured fireplace means a brazier, chimenea, fire pit, or other similar self-contained manufactured item for outdoor burning designed exclusively for cooking food for human consumption or creating heat outdoors, but does not include items like 44 gallon or equivalent drums, converted dryers, truck wheels or any other similar items.

motor vehicle has the meaning ascribed to it by the *Road Safety Act 1986*.

municipal district means the municipal district of *Council*.

nature strip means the area of road reserve between the property boundary and the back of kerb or gutter of a carriageway, excluding any formed footpath.

night soil means all human excrement or faecal matter, human urine and animal faeces.

Notice to Comply means a notice to comply issued under this Local Law.

noxious weed has the meaning ascribed to it by the *Catchment and Land Protection Act 1994*.

occupier includes the *owner* or tenant, and the person in charge or having the management or control of any *premises*.

offence means an offence against or breach of a provision of this Local Law or a breach of a *permit*, notice or direction issued under it.

open air means any place other than within a *permanent structure*.

owner:

- a) in relation to a *vehicle* has the same meaning as the *Road Safety Act 1986*;
- b) in relation to *building work* means the person who owns the *land* on which the *building work* is or is due to be carried out; and
- c) in relation to a *premises* means the person entitled to receive the rent of the *land* or *premises* (whether on that person's own account or as the agent of or as trustee for any other person) or who would be entitled to receive the same if the *land* was, or *premises* were, let.

parking permit means a permit issued in accordance with the *Parking Management Policy*

pen means any *building* or structure or part thereof for the housing or use of *animals* and includes any area of *land* adjacent to any such *building* or structure or any part thereof used as a compound or yard for *animals*, and includes but is not limited to a kennel, cattery, bird cage, stable or poultry house.

penalty means the maximum fine that may be imposed by a court of appropriate jurisdiction.

penalty unit has the meaning ascribed to it by section 110 of the *Sentencing Act 1991*.

permanent structure means a structure of a permanent kind consisting of a roof and fully enclosed on all sides but does not include a tent.

permit means a permit issued in writing in accordance with or under the provisions of this Local Law.

person in charge means the person immediately responsible in the absence of the *owner* or *occupier* for the *building works* being carried out on a *building site*.

premises includes the whole or part of any *land*, *building* and any *building* under construction, whether or not a *public place*.

Principal Local Law means Council's Community Local Law.

private property means land other than Council Land and land occupied, managed or controlled by a public authority.

protected tree means any:

- a) tree with a trunk circumference greater than 110 centimetres measured at its base; or
- b) multi-stemmed tree where the circumference of its exterior stems measured at its base is greater than 110 centimetres; or
- c) tree planted as required by a replanting condition of a *permit* issued for the removal of a *protected tree*, excluding species which are *environmental weeds* or *noxious weeds*.

public body means any government department or municipal council or body established for a public purpose by an Act of the Parliament of Victoria, any other state or territory of the Commonwealth, or the Commonwealth

Public Holidays means the days appointed as Public Holidays under sections 6 and 7 of the *Public Holidays Act 1993*, and those days substituted as Public Holidays under section 8 of that Act, that are applicable to the *municipal district*.

public infrastructure assets means items, facilities or systems owned, managed or otherwise controlled by *Council* which provide or facilitate a public service, including (but not limited to) *roads*, footpaths, stormwater systems, lighting, fencing, retaining walls, trees, landscaping, kerb and channel, traffic management devices, traffic signals, signs, line marking, nature strips, street furniture, car parks, bridges, *buildings* and structures.

public place has the meaning ascribed to it by the *Summary Offences Act 1966*.

recyclable material means any jars, bottles, cans, plastic containers, paper, cardboard and other materials *designated* by *Council*.

rubbish includes food waste and discarded food, and any offensive matter other than sewage and manure.

road has the meaning ascribed to it by the *Act*. *schedule* means a schedule to this Local Law.

second-hand goods means any goods which have been worn or otherwise used.

sell includes sell (whether by wholesale or retail or by means of any machine or mechanical device), barter or exchange, agreeing to sell, offering or exposing for sale, keeping or having in possession for sale, sending, forwarding, delivering or receiving for or

on sale, and attempting, directing, causing, suffering, or admitting any such acts or things.

Senior Officer has the meaning ascribed to it by the *Act*.

Service Authority means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth.

shopping trolley means a wheeled container or receptacle supplied by a retailer to enable customers to transport goods.

small bird means budgerigars, canaries or finches and other similarly sized birds.

small premises means any lot of less than 530 metres² or any lot where two or more dwellings are constructed on the same parcel of *land*.

Smoke has the meaning ascribed to it by the *Tobacco Act 1987*

Smoke free area has the meaning ascribed to it by the *Tobacco Act 1987* *state road* has the meaning ascribed to it by the *Road Management Act 2004*.

state road authority has the meaning ascribed to it by the *Road Management Act 2004*.

street festival means an organised recreational, cultural, commercial or social gathering of people, which is held on a *road*.

street party means an organised social gathering of people resident in one or several adjacent *roads*, which is held on a *road*.

street procession includes a march, parade, fun run, triathlon, *bicycle* race or other such organised activity on a *road*.

supplier means a person responsible for the delivery or collection of materials (including timber, concrete, bricks, debris and waste) or equipment to, from or near *land* prior to, during or after *building work* and in connection with the *building work*.

temporary vehicle crossing means a constructed form of wooden panels or other *Council* approved structure over a bed of sand, that extends from the boundary of *land* over any *public infrastructure asset* to a *road*, and is designed to minimise damage to *public infrastructures assets* caused by *motor vehicles* and materials entering and leaving the *land* during the *construction period*.

tree prunings means the items identified by *Council* by public notice published in a newspaper generally circulated throughout the *municipal district* or on the *Council* website.

Tobacco has the meaning ascribed to it by the *Tobacco Act 1987*

unlawful game has the meaning ascribed to it by the *Gambling Regulation Act 2003*.

vehicle has the meaning ascribed to it by the *Road Safety Act 1986*.

vehicle crossing is a bridge or crossing constructed to *Council* specifications, over any footpath or channel next to a *road* to enable a person using the *road* to have access to *land* on the other side of the footpath or channel.

wheeled recreational device has the meaning ascribed to it by the *Road Safety Road Rules 2009*.

wheeled toy has the meaning ascribed to it by the *Road Safety Road Rules 2009*.

Explanation of Words used in this Local Law

10. Words, the meaning of which are defined in clause 9 of this Local Law or elsewhere in it, appear in italic type in the text.
11. Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.
12. Unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

PART 2 – YOUR PROPERTY, TREES AND PETS

Your Property

Property Numbers

13. *Council* or an *Authorised Officer* may allocate a property number to each property in the *municipal district* and, from time to time, may make changes to property numbers in accordance with *Council's Street Numbering Policy*.
14. For each property that has been allocated a property number under clause 13, the *owner* of the property must ensure that the property is marked with the number allocated and that the number is of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the nearest *road* under all normal lighting conditions.

Penalty: 2 penalty units

NOTE

Refer to the *Guideline on Property Numbers: Size, Location and Visibility* for determining the sufficiency of size, location and visibility of property numbers.

Domestic Waste, Green Waste, Recyclable Material & Hard Waste

15. Each *occupier* of *premises* to which *Council* provides a waste collection service (including *domestic waste*, *green waste*, *recyclable material* and *hard waste*) must comply with the *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service*.

Penalty: 10 penalty units

Bins

16. Each *occupier* of *premises* must keep at such *premises* a *bin* in compliance with the *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service* to be used for the deposit and collection of all *domestic waste* and *recyclable material* produced or accumulated in or about such *premises*.

Penalty: 10 penalty units

17. Clause 16 does not *apply* to a person who causes *domestic waste*, *green waste* and *recyclable material* to be recycled within the *premises*, provided the recycling takes place in a way which does not cause a nuisance to the *occupier's* neighbours

Bin - Flats & Units

18. The *owner* of any flats or units must, when required by *Council*, provide on the *premises* on which the flats or units are located a clearly defined area for the storage of all *bins*, and cause that area to be kept in a clean and sanitary condition at all times.
19. The *occupier* of each flat or unit must, when directed in writing by *Council*, keep the *bin* designated for the use by such flat or unit in the defined area required under clause 18, except on the days appointed or advertised by *Council* as waste collection days in relation to such *premises*.

Hard Waste

20. Each *occupier* of *premises* to which *Council* provides a *hard waste* collection service must:
 - a. not place out for collection items or material other than *hard waste* on the days *designated* or advertised by *Council* from time to time as *hard waste* collection days; and
 - b. place out the *hard waste* in front of the *premises* so as to allow collection by a collection *vehicle*, and arrange it in a manner consistent with any details that have been provided in writing by *Council*; and
 - c. remove items or materials so placed out for collection which are not *hard waste* upon being directed to do so by an *Authorised/ Delegated Officer*.

Penalty: 2 penalty units

Tree Prunings

21. Each *occupier* of *premises* to which *Council* provides a *tree prunings* collection service may deposit *tree prunings* on the nature strip or, when permitted by *Council*, footpath, in front of the *premises*, for collection on days *designated* by *Council* from time to time as collection days, and:
 - a. must not deposit items or items other than *tree prunings* on the days *designated* by *Council* from time to time as tree prunings collection days; and
 - b. must not deposit *tree prunings* before the time approved by *Council*; and
 - c. must place the *tree prunings* in front of the *premises* so as to allow collection by a collection *vehicle*, and arrange them in a manner consistent with any details that have been provided in writing by *Council*; and
 - d. must remove items of material deposited on the nature strip or footpath which are not *tree prunings*, upon being directed to do so by an *Authorised/ Delegated Officer*.

Penalty: 2 penalty units

Disposal of Refrigerators & other Compartments

22. A person must not place or leave or allow to remain any disused refrigerator, icechest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any *Council land* without first:
 - a. removing every door and lid; and

- b. removing every lock, catch and hinge attached to a door or lid;
or
- c. otherwise rendering every door and lid incapable of being fastened; and
- d. placing the item on its back.

Penalty: 10 penalty units

Chimneys

23. The *owner* or *occupier* of any *premises* must not cause or allow any chimney on that *land* to discharge dust, grit, ash or smoke to such an extent that it is dangerous to health or is offensive to another person.

Penalty: 5 penalty units

Audible Intruder Alarms

24. The *owner* or *occupier* of any *premises* must not install or allow to be installed or cause to be retained in an active state upon any such *premises* any *audible intruder alarm* which emits a noise audible beyond the boundary of such *premises*, unless the *audible intruder alarm* is constructed or regulated so as to ensure that:
- a. whenever it is activated, the *audible intruder alarm* is rendered inaudible beyond the boundary of the *premises* within 10 minutes of being activated; and
 - b. it cannot reactivate until it has been manually reset.

Penalty: 10 penalty units

25. Despite clause 24, an *audible intruder alarm* may operate for a further period of 10 minutes should it be activated by a different cause following the cessation of the *audible intruder alarm* in accordance with sub-clauses 24.1 and 24.2.
26. Where *Council* receives a complaint that an *audible intruder alarm* operates in *premises* in a way which does not comply with clause 24 (whether modified by clause 25 or not), it may investigate the complaint.

Dangerous or Unsightly Premises

27. The *owner* or *occupier* of any *premises* must not keep the *premises* or allow the *premises* to be kept in a manner which is, or which results in the *premises* being dangerous, unsightly or dilapidated.

Penalty: 10 penalty units

28. In determining whether there has been a breach of clause 27 and any enforcement action should be taken, an *Authorised Officer* must have regard to whether:
- 28.1 there are any materials or substances on the *premises* that are kept in such a way that they may be dangerous, flammable or explosive; or
 - 28.2 the way in which the *premises* is kept or items are stored on the *premises* may constitute or contribute to it being a health hazard; or
 - 28.3 the condition of the *premises*, or any part of it, may promote the presence of vermin and pests; or
 - 28.4 the appearance of the *premises* is one of neglect and is out of character with other *premises* in the vicinity; or

- 28.5 in any other condition determined by *Council* to be dangerous or likely to cause danger to health, life or property; or
- 28.6 the exterior of the *premises* is in a state of disrepair or has been damaged or defaced so as to affect the visual amenity of the *premises* and the area in which it is located
29. Where the *owner* or *occupier* of the *premises* fails to comply with the requirements of clause 27, *Council* or an *Authorised Officer* may carry out or cause to be carried out the work required and recover the reasonable costs of doing so.
30. The *owner* or *occupier* of any *premises* in a residential, commercial, industrial or mixed use zone as determined by reference to the Kingston Planning Scheme, must at all times maintain the *premises* in a neat and tidy condition by keeping them clear of all *rubbish*, and by mowing, slashing or otherwise removing undergrowth and overgrown grass and weeds.

Penalty: 10 penalty units

31. For the purposes of clause 30 any *premises* identified by *Council* as containing remnant and/or protected vegetation, or identified as being in a conservation area, may be exempted from the operation of that clause by *Council*.
32. *Council* or an *Authorised Officer* may, by notice in writing, direct the *owner* or *occupier* of any vacant *premises* to:
- a. erect; or
 - b. repair; or
 - c. replace; or
 - d. modify
- fencing enclosing the vacant *premises*.
33. A notice under clause 32 may specify:
- a. the material with which any fencing to be erected must be constructed; and
 - b. the height and other dimensions of the fencing to be erected.
34. The *owner* or *occupier* of any *premises* who receives a notice under clause 32 must perform any work specified in the notice within the time stated in the notice.

Penalty: 5 penalty units

Noxious Weeds

35. The *owner* or *occupier* of any *premises* must not allow to grow on those *premises* any *noxious weed* except with the approval of *Council*.

Penalty: 5 penalty units

Moveable Dwelling

36. A person must not, for a period exceeding 28 days in any one calendar year and without a *permit*, inhabit any moveable *dwelling* on *private property* unless that property is a licensed caravan park.

Penalty: 5 penalty units

37. Clause 36 does not apply to an *occupier* of any *private property* storing thereon one moveable *dwelling* owned by him/her provided such moveable *dwelling* is not at any time, while so stored, occupied by any person for the purpose of sleeping or living.

Motor Vehicles, Machinery & Second-hand Goods

38. A person must not, without a *permit*, use any *premises* (other than *premises* in an area where such activity is permitted under the Kingston Planning Scheme) for the storage, repair, servicing, assembly or disassembly of any *motor vehicle* or machinery other than a *motor vehicle* registered at those *premises*.

Penalty: 5 penalty units

39. Clause 38 does not apply to a maximum of two *vehicles* owned by the *occupier* of the *premises* for the purposes of restoration.

40. A person must not, without a *permit*, use any *premises* (other than *premises* in an area where such activity is permitted under the Kingston Planning Scheme) for the assembly, dismantling or storage of *second-hand goods*.

Penalty: 5 penalty units

41. In determining whether to grant a *permit* for the storage of *motor vehicles*, machinery or *second-hand goods*, or for the assembly or dismantling of such *motor vehicle*, machinery or *second-hand goods*, *Council* must take into account:

- a. the zoning of the *premises*; and
- b. the proximity of the *premises* to adjoining properties; and
- c. the amenity of the area; and
- d. the capacity to screen the proposed use from adjoining *premises* or from any *road*; and
- e. the capacity to protect neighbours from noise from activities on the *premises*; and
- f. the nature of the *motor vehicles*, machinery or *second hand goods*; and
- g. the purposes for which the *motor vehicles*, machinery or *second hand goods* are kept; and
- h. any other matter relevant to the circumstances associated with the application.

Your Trees

Tree Protection

42. A person must not without a *permit*:
- a. remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed; or
 - b. cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned contrary to the guidelines recommended in the *Australian Standard AS4373 – 2007 Pruning of Amenity Trees*: or
 - c. carry out, or direct or allow to be carried out, any work contrary to the guidelines in the *Australian Standard AS4970-2009 Protection of Trees on Development Sites* near

any *protected tree*.

Penalty: 20 penalty units

- 42A. All applications for *permits* under clause 42 must be accompanied by the written consent of the owner of the *land* on which the tree is located.
- 42B. In determining whether to grant a *permit* under clause 42, *Council* must take the following into consideration:
- 42B.1 the effect of the removal of the *protected tree* on the aesthetics of the neighbouring area; and
 - 42B.2 whether the *protected tree* is dead or there are health and safety reasons justifying removal of the *protected tree*; and
 - 42B.3 whether it is likely that the *protected tree* gives rise to a risk of damage to property or to the safety of the public; and
 - 42B.4 whether the *protected tree* is causing a public nuisance or creating an undue nuisance to adjoining landowners; and
 - 42B.5 any other matter which *Council* considers relevant to the circumstances associated with the application.

43. [clause deleted]

Penalty: 20 penalty units

44. Clause 42 does not apply:
- a. to a person who is acting in accordance with the instructions or directions of an *Authorised Officer*; or
 - b. in respect of a tree that is an *environmental weed*.
45. If a *protected tree* is interfered with in any of the circumstances specified in clause 42, the *owner* of any private property on which the *protected tree* is located is guilty of an offence, whether or not the person who actually interfered with the *protected tree* is identified or prosecuted, unless the *owner* can prove that the interference was undertaken by another party without the authorisation of the *owner*.

Penalty: 20 penalty units

Trees or Plants Causing Damage to Council Land, or on Council Land

46. An *owner* or *occupier* of any *premises* must not allow trees or plants on those *premises* to cause damage to or interfere with any:

- a. *Council land*; or
- b. *building*, fixture or drain owned by, vested in or under the control of *Council*; or
- c. footpath, kerb and channel or *road* pavement.

Penalty: 10 penalty units

Your Pets

47. Clauses 48 – 58A (inclusive) do not apply to:
- a. any *land* on which the location of a pet shop is permitted under the Kingston Planning Scheme applicable to that *land*; or
 - b. any *land* on which the location of an *animal* hospital or veterinary practice is permitted under the Kingston Planning Scheme applicable to that *land*; or
 - c. any person licensed pursuant to the *Wildlife Act 1975*, and who complies with the *Wildlife Act 1975* and *Wildlife Regulations 2002* in the keeping of an *animal*.

Keeping of Animals

48. Unless permitted under the Kingston Planning Scheme, a person must not, without a *permit*, keep or allow to be kept on any *premises* any more of each species or group of *animals* than is stated in the following table:

Type of <i>Animal</i>	Premises greater than 4000m ²	Premises less than 4000m ²	Small Premises
<i>Cat</i>	4	2	2
<i>Dog</i>	4	2	1
Rodent/Reptile	10	5	2
Game Bird	25	2	0
Poultry	25	10	0
Large Bird	5	5	2
Small Bird	50	50	10
Rooster	0	0	0
Swine/Pig	0	0	0
<i>Agricultural Animal</i>	0	0	0

Penalty: 5 penalty units

49. Unless permitted under the Kingston Planning Scheme or an Act, a person must not, without a *permit*, keep an *animal* of a species not listed in the table in clause 48 in any *dwelling* or on any *land* or *premises*.

Penalty: 5 penalty units

50. The *owner* or *occupier* of any *dwelling* within the boundaries of Governor Road south to the Mordialloc Main Drain, and Springvale Road west to the Mornington Peninsula Freeway, known as "The Waterways", must not keep or *permit* or allow to be kept any *cat* in such *dwelling*.

Penalty: 5 penalty units

51. Clause 49 does not apply to persons who purchased a *dwelling* during stage one of "The Waterways" and who owned one or more *cats* at the time of purchase, provided that:
- a. the *cat* is confined indoors or in a totally enclosed *pen* or yard on the *premises*; and
 - b. when the *cat* is outside the *owner's dwelling*, it is confined within an enclosed cage.

NOTE

Clause 50 does not apply to a person who was not the original purchaser of a dwelling during stage one of the "The Waterways". So, second and subsequent *owners* of such dwellings are subject to clause 49.

Animals & Amenity

52. An *owner* or *occupier* of any *dwelling* or *land* and/or *premises*, must not keep an *animal* in that *dwelling* or on that *land* and/or *premises*, if there is a loss of or an adverse impact on the residential amenity of others by reason of odour, existence of vermin or the like.

Penalty: 5 penalty units

53. An *owner* or *occupier* of any *land* on which an *animal* is kept must prevent any unreasonable noise at unreasonable times being emitted by an *animal* from the *land*.

Penalty: 5 penalty units

54. For the purposes of clause 53 unreasonable times are times outside the hours of 7am to 8pm Monday to Friday and 9am to 8pm Saturdays, Sundays and *Public Holidays*.

NOTE

Clause 54 does not apply to *cats* or *dogs*. Nuisances caused by *cats* or *dogs* are regulated by *the Domestic Animals Act 1994*.

Litters of Animals

55. For the purpose of calculating the maximum number of *animals* kept, the progeny of any *dog* or *cat* lawfully kept will be exempt for a period of 12 weeks after their birth.

Housing of Animals

56. Any person applying for a *permit* for the keeping of *animals* must include:
- a. a full description of the *dwelling* or *land* and/or premises, together with all other relevant information regarding the place and manner in which the animals are to be kept, or the *building* to be erected or constructed; and
 - b. a block plan with measurements showing the portion of the *dwelling* or *land* and/or *premises*, in which it is intended to keep the *animals*, or to erect or construct the *building*; and
 - c. such further information as *Council* may require.

Permits Relating to the Number of Animals Kept

57. In determining whether to grant a *permit* for the keeping of *animals* where the number exceeds that determined by *Council* and which is set out in this Local Law, *Council* must take into account:

- a. the zoning of the *land*; and
- b. the extent of compliance with any guidelines for the siting of structures or housing of *animals* issued by *Council*; and
- c. the amenity of the area; and
- d. the type and additional numbers of *animals* to be kept; and
- e. the likely effects on adjoining *owners* or *occupiers*; and
- f. any relevant provisions of the Kingston Planning Scheme; and
- g. the adequacy of any *animal* shelters on the *premises*, *dwelling* or other *land*.

58. In determining what may be adequate shelter, consideration should be given to:

- a. the type of *animals* to be kept; and
- b. the height of the shelter; and
- c. the distance from the street frontage of the property; and
- d. the distance from any other *road*; and
- e. whether the minimum distance from the boundary of any adjoining property is one metre; and
- f. whether the minimum distance from any *dwelling* is nine metres; and
- g. any other matter relevant to the circumstances associated with the application.

58A. All *animal* shelters must be maintained so that:

58A.1 all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition; and

58A.2 all manure and other waste is to be stored in a fly and vermin proof receptacle until removed from the *premises* or otherwise disposed of; and

58A.3 the area of *land* within 1.5 metres of the area or structure in which the *animal* is kept is kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin; and

58A.4 all food, grain or chaff is kept in vermin proof receptacles; and

58A.5 the area where *animals* are kept is thoroughly cleaned and maintained at all times in a clean and sanitary manner; and

58A.6 all poultry houses are a minimum of 1.5 metres from any boundary fence; and

58A.7 they are a minimum of 4 metres from any *dwelling*; and

58A.8 if an excess animal permit is granted, the poultry house must be constructed a minimum of 9 metres from any dwelling.

58B upon application council may grant an exemption to one or more of the conditions specified in clause 58A of this Local Law.

58C in determining whether to grant an exemption under clause 58B, *Council* must take into account the matters specified in clause 57 of this Local Law.

Penalty: 5 penalty units

Keeping of Bees & Wasps

59. The *owner* or *occupier* of any *dwelling, land or premises* must not keep or allow to remain in that *dwelling* or on that *land or premises* any

- a. European or English wasps nest, or
- b. honeybee swarm or feral honeybee nest

and, upon receiving notice to do so from an *Authorised Officer*, must within the timeframe set out in the notice eradicate or cause to be eradicated any wasps or honeybee nest.

Penalty: 10 penalty units

60. An *Authorised Officer* may remove bees or wasps from any property if he or she is satisfied that they present a risk to the health and safety of any person.

Grazing Animals

61. The *owner* or *occupier* of any *premises* used or partly used for the grazing of livestock must ensure that fencing on the *premises* is adequate for the purpose of preventing livestock from straying onto any adjacent *road*.

Penalty: 10 penalty units

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

- a. allow a grazing *animal* owned by him or her to wander, graze or otherwise be at large; or
- b. fail to prevent a grazing *animal* owned by him or her from wandering, grazing or otherwise being at large

on any *road, Council Land* or other *land*.

Penalty: 5 penalty units

PART 3 – VEHICLES & ROADS

Vehicles

Parking Management

63. A *parking permit* is required to leave a *vehicle* standing in a range of specific parking precincts as defined in the *Parking Management Policy*.

64. An application for a *parking permit* must be in the form contained in the *Parking Management Policy*.

65. *Parking permits* will be granted in accordance with the *Parking Management Policy*.

66. A *parking permit* holder must:

- a. comply with any conditions imposed on the *parking permit*; and
- b. comply with any conditions imposed by the *Parking Management Policy*,
provided always that, in the case of any inconsistency, the conditions imposed on the *parking permit* will prevail.

Penalty: 10 penalty units

67. A *parking permit* holder must:

- a. use the permit in accordance with the Parking Management Policy
- b. ensure that the *parking permit* is firmly affixed to the lower interior of the passenger's side corner of the front windscreen of the relevant *vehicle*; and
- c. ensure that all printed information on the *parking permit* is capable of being read by any person standing beside the *vehicle*.

Penalty: 2 penalty units

68. [clause deleted]

69. [clause deleted]

Repair & Display of Vehicles

73. A person must not on any *road* or *Council land* or in any *public place* paint, service, dismantle or rebuild any *vehicle* or repair any *vehicle* (except where necessary to enable it to be removed).

Penalty: 20 penalty units

74. A person must not, without a *permit*, display for sale a *vehicle* or trailer on any *road* or *Council land* or in any *public place*.

Penalty: 20 penalty units

Abandoned, Derelict & Unregistered Vehicles

75. A person must not park or leave standing an abandoned, derelict or unregistered *vehicle* or cause or allow such a *vehicle* owned by that person to be parked or left standing on a *road* for more than 24 consecutive hours.

Penalty: 10 penalty units

76. Any *vehicle* found on *Council land* or a *road* and considered by an *Authorised Officer* to be abandoned, derelict or unregistered may be dealt with under the provisions of Schedule 11 of the Act.

77. A *vehicle* which has been impounded must be surrendered if:

- 77.1 in the event of a claim being made by the *owner* or a person acting on behalf of the *owner*, satisfactory evidence is provided of that person's ownership or authority from the *owner*; and
- 77.2 any *penalties* for illegal parking have been paid and/or fees for the removal or impounding of the *vehicle* have been paid to *Council*.

Roads

Obstruction to free use of a road

78. A person must not, without a *permit*, place or keep any object (including but not limited to a *vehicle*) on a *road* so as to obstruct the free use of that *road*.

Penalty: 20 penalty units

78A. A person must not leave or permit to be left on a road or *Council land* any *charity* or *clothing recycling bin*.

Penalty: 20 penalty units

Transportation of Waste

79. A person must not convey or cause to be conveyed in any *vehicle* on any *road* any manure, dead *animal* or remains, offal, bones, hides, skins, offensive matter, *rubbish*, *green waste* or other waste matter unless the *vehicle* is constructed, fitted, loaded and covered so that:

79.1 no leakage occurs or other material is dropped or deposited on any *road* or adjacent area from the *vehicle*; and

79.2 the possibility of escape of offensive odours is reduced.

Penalty: 10 penalty units

Street Parties, Street Festivals and Processions

80. A person must not, without a *permit*, hold a *street party*, *street festival* or *street procession* on a *road*.

Penalty: 10 penalty units

81. In determining whether to grant a *permit* for a *street party*, *Council* must take into account the following:

81.1 whether the *road* can be closed to vehicular traffic for the duration of the *street party*; and

81.2 whether all *owners* or *occupiers* of properties with any vehicular access via the section of *road* to be closed have been advised; and

81.3 whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the *road* at locations and times specified in the *permit*; and

81.4 whether an indemnity and guarantee has been provided to *Council*; and

81.5 any other matter relevant to the circumstances of the application.

82. In determining whether to grant a *permit* for a *street festival* or *street procession*, *Council* must take into account the following:

82.1 whether the *road* can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and *street festival/procession* patrons and equipment; and

82.2 whether the agreement of the Victoria Police and the Roads Corporation has been obtained and their requirements met, including an appropriate traffic detour sign scheme; and

- 82.3 whether an indemnity and guarantee has been provided to *Council*; and
- 82.4 whether all *owners* or *occupiers* of properties with any vehicular access via the section of *road* to be closed have been advised by letter and given seven days to comment or object; and
- 82.5 whether a person who may be liable for injury caused by the *street festival* or *street procession* is insured against that risk; and
- 82.6 any other matter relevant to the circumstances of the application.

Restriction of Use of a Road by Heavy Vehicles

- 83. If, in the opinion of *Council*, a *road*, or part of a *road*, is likely to be damaged by a particular class of *vehicle*, it may prohibit such *vehicles* from using that *road* or part of the *road*, for as long as it considers is necessary to prevent the damage.
- 84. Before prohibiting any class of *vehicle*, *Council* must give public notice of its intention in a newspaper circulating in the *municipal district* and cause a notice to be displayed on or adjacent to the *road*.
- 85. *Council* must erect a sign at each point where *vehicles* can enter the *road* or part of the *road* in respect of which the prohibition applies.
- 86. *Council* must obtain any additional approvals required by any Act or regulation prior to the installation of the sign.
- 87. A person must not, without a *permit*, use a *road* contrary to any sign erected pursuant to clause 85.

Penalty: 3 penalty units

- 88. In determining whether to grant a *permit* for a *vehicle* exceeding the load limit on a *road* to use that *road*, *Council* must take into account:
 - 88.1 the amount of damage (if any) likely to be caused to the *road* by the *vehicle* mentioned in the application; and
 - 88.2 the type and weight of the *vehicle*; and
 - 88.3 the goods to be transported and the weight of those goods; and
 - 88.4 alternative *roads* which are available; and
 - 88.5 the necessity to impose special speed limits; and
 - 88.6 any other matter relevant to the circumstances of the application.

Storing or Servicing of Heavy Vehicles

- 89. A person must not, without a *permit*, store, service, repair or wash any *heavy vehicle* on *land* within a residential area unless such activity is permitted under the Kingston Planning Scheme.

Penalty: 5 penalty units

- 90. In considering any application for a *permit* under clause 89, *Council* must take into account:
 - 90.1 the zoning of the *land* upon which the *heavy vehicle* is to be stored, serviced, repaired or washed; and
 - 90.2 the proximity of adjoining properties to the *land*; and
 - 90.3 the likely effect on the *occupiers / owners* of the adjoining properties; and
 - 90.4 the distance of the *heavy vehicle* from *dwellings*; and

- 90.5 any other matter relevant to the circumstances associated with the application.

PART 4 - HEALTH

91. A person must not, without a *permit*, deposit any *night soil* or any liquid mix of *night soil* on any *land* or in water or any water course.

Penalty: 20 penalty units

PART 5 – BUSINESS & CONSTRUCTION AND WORKS

Business

Road Regulation of Trading

92. A person must not, without a *permit*, on any *road*, or on any other *Council land*, sell goods or services or distribute goods or literature.

Penalty: 20 penalty units

Moveable Advertising Signs & Display of Goods

93. A person must not, without a *permit*, place or cause or allow to be placed any *advertising sign*, or display any goods, on any *road* or *Council land*.

Penalty: 10 penalty units

- 93A An owner of a *vehicle* must not, without a *permit*, place or cause or allow to be placed any *advertising sign*, or display any goods, on or in that *vehicle* on any *road* or *Council land*.

Penalty: 10 penalty units

- 93B An owner of an *advertising sign* must not, without a *permit*, place or cause or allow to be placed that *advertising sign* on any *road* or *Council land*.

Penalty: 10 penalty units

94. In determining whether to grant a *permit* to allow the placement of *advertising signs* and/or display of goods on *Council land* or a *road*, *Council* must take into account:

- 94.1 whether the proposed location of the *advertising sign* or goods is hazardous; and
- 94.2 the width and height of the *advertising sign* or display; and
- 94.3 any other signs from the applicant's *premises*; and
- 94.4 whether persons who may be liable for injury caused by the placing of the *advertising sign* or display of goods are insured against that risk; and
- 94.5 whether an indemnity and guarantee has been provided to *Council*; and
- 94.6 whether the *advertising sign* will be placed or goods will be displayed outside the applicant's *premises*; and
- 94.7 whether adequate lighting of the area can be achieved if the usual business hours include hours of darkness; and

94.8 any other matter relevant to the circumstances of the application.

Busking

95. A person must not, without a *permit* issued in accordance with the *Busking Guidelines*, busk on any:

95.1 *road*; or

95.2 other *Council land*

with the object, or apparent object, of collecting money.

Penalty: 5 penalty units

Outdoor Eating Facilities

96. A person must not, without a permit, place any chair, table or other facilities used for or in connection with the preparation or service of food, including barbecues, on any road or Council land or site designated by Council for or in connection with a trading activity.

Penalty: 10 penalty units

97. In determining whether to grant a *permit* for outdoor dining facilities, or other facilities used for, or in connection with, the preparation of food, *Council* must have regard to the *Footpath Activities Policy*.

Shopping Trolleys

98. A person must not leave a *shopping trolley* on any part of a *road* or on any other *Council land* or on any other *land* which is not under the care and control of the *owner* of the *shopping trolley*.

Penalty: 10 penalty units

99. The manager of a shopping complex must within 24 hours collect *shopping trolleys* ordinarily kept within that complex from:

99.1 *Council land*; or

99.2 any other *land* which is not under the care and control of the *owner* of the *shopping trolley*

when notified to do so by *Council* or an *Authorised Officer*.

Penalty: 10 penalty units

100. *Council* may *designate* areas on *Council land* for the purposes of storing *shopping trolleys*.

101. Any *land* under the care and control of the *owner* of a *shopping trolley* and *designated* for the purposes of storing *shopping trolleys* must be signposted to that effect.

102. A person leaving a shopping trolley in an area designated under clause 100 does not commit an offence under clause 97.

103. An *Authorised Officer* may impound any *shopping trolley* which has been left in any area which is neither *designated* by *Council* for the purpose of leaving *shopping trolleys* nor on *land* under the care and control of the *owner* of the *shopping trolley*.

104. *Council* may determine a charge for releasing *shopping trolleys* impounded by it.

105. A retailer must not make available for use, or permit to be used, a *shopping trolley*

which does not have a coin mechanism attached to it.

Penalty: 10 penalty units

106. Clause 105 does not apply when a retailer makes available for use, or allows to be used, 20 *shopping trolleys* or less.
107. A retailer may apply in writing for a *permit* for an exemption from the application of clause 105.

Street Appeals

108. A person must not, without a *permit*, solicit or collect on any *Council land* or from house to house any gifts of money or subscriptions for any purpose.

Penalty: 10 penalty units

109. A person must not seek to solicit contributions from the occupants of *vehicles* that are stationary in compliance with traffic control signals other than with the permission of *Council* and after obtaining an appropriate permit for a "Highway Collection" from the Victoria Police.

Penalty: 10 penalty units

110. A person must not, without a *permit*, provide a windscreen cleaning or similar service on any *Council land* (including a *road*).

Penalty: 10 penalty units

Street Stalls

111. A person must not, without a *permit*, *sell* goods or services from a temporary stall on any *road* or other *Council land*.

Penalty: 10 penalty units

Wheeled Recreational Devices, Wheeled Toys & Bicycles

112. *Council* may *designate* areas in which *wheeled recreational devices*, *wheeled toys* or *bicycles* must not be used or ridden and must erect signs in or at the entrance to any such area so *designated* indicating those prohibitions.

113. A person must not ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle* in an area *designated* by *Council* under clause 112.

Penalty: 2 penalty units

114. A person must not ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle*, or authorise another person to ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle*, on a *road* in a manner so as to cause inconvenience or obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the *road*, whether in or on another *vehicle* or not.

Penalty: 2 penalty units

115. Where a person continues to ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle* in contravention of clause 113 or 114 and acts contrary to a direction from an *Authorised Officer* to cease such contravention, such *wheeled recreational device*, *wheeled toy* or *bicycle* may be removed by an *Authorised Officer* and impounded.

- 115A A person must not, without a *permit*, use any *wheeled recreational device* for recreational purposes in any *public place* (other than a *road*) or on any *private property*.

Penalty: 5 penalty units

115B A person must not in any *public place* or on any *private property* ride or otherwise use any *wheeled recreational device*:

115B.1 which does not have, securely fixed to the engine thereof, a silencing device, constructed so that all the exhaust from the engine passes through the silencing device in such a manner as to effectively prevent undue noise; or

115B.2 which has attached thereto a cut-out or any device capable of producing an open exhaust; or

115B.3 which causes undue noise by reason of -

115B.3.1 being in a state of disrepair; or

115B.3.2 the manner in which such *wheeled recreational device* is loaded, ridden or used; or

115B.3.3 the construction or adjustment of the machinery of such *wheeled recreational device*; or

115B.3.4 the construction or adjustment or condition of the silencing device.

Penalty: 5 penalty units

115C If a person breaches clause 115A or 115B, or continues to ride or otherwise use any *wheeled recreational device*, *wheeled toy* or *bicycle* in contravention of a direction issued by an *Authorised Officer*:

115C.1 an *Authorised Officer* may impound a *wheeled recreational device* being ridden or used, or which has been ridden or used, in contravention of this Local Law;

115C.2 within 48 hours of impoundment of a *wheeled recreational device* under clause 115C.1, an *Authorised Officer* must serve notice in writing of the impoundment on the owner of the *wheeled recreational device*;

115C.3 subject to sub-clause 115C.4, upon payment of a fee determined by *Council*, which is not to exceed an amount that reasonably represents the cost to *Council* of impounding, keeping and releasing the *wheeled recreational device*, an *Authorised Officer* must release the *wheeled recreational device* to its owner, or any agent of the owner;

115C.4 the owner or any agent of the owner of an impounded *wheeled recreational device* will not be entitled to its release where it has been impounded following:

115C.4.1 a first offence against clauses 115A or 115B, until the expiry of 6 months from the date of impoundment; or

115C.4.2 a second or subsequent offence against clauses 115A or 115B, until the expiry of 12 months from the date of impoundment;

115C.5 If the owner of a *wheeled recreational device* impounded under clause 115C.1 has not paid the relevant fee within 28 days of service of the notice under clause 115C.2, *Council* may destroy,

give away or otherwise dispose of that *wheeled recreational device*; and

115C.6 If the identity or whereabouts of the owner of a *wheeled recreational device* impounded under clause 115C.1 is unknown, an *Authorised Officer* must take reasonable steps to ascertain the owner's identity and/or whereabouts and:

115C.6.1 if the identity or whereabouts of the owner can be ascertained, comply with the process set out in clause 115C.2, 115C.3 and 115C.4; or

115C.6.2 if the identity or whereabouts of the owner cannot be ascertained, an *Authorised Officer* may, after 28 days of impoundment destroy, give away or otherwise dispose of the *wheeled recreational device*.”

Industrial, Trade & Commercial Rubbish

116. Each *occupier* of *premises* must ensure that any container used for the storage of industrial, trade or commercial *rubbish* is:

116.1 constructed of *approved* impervious materials so as to prevent the escape by leakage, or otherwise, of any of the contents of such container and the absorption or accumulation of any *rubbish* that may be deposited therein; and

116.2 provided with a removable drainage plug of adequate size in the floor or in the side immediately adjacent to the floor of the container for the purpose of cleaning when required by an *Authorised Officer*; and

116.3 thoroughly cleaned after each emptying of the contents, and when required by an *Authorised Officer*; and

116.4 where the container holds putrescible waste be:

116.4.1 constructed so as to be water tight, fly and vermin proof; and

116.4.2 provided with a fly and vermin proof close fitting lid or lids with overlapping flanges on top of the container which is or are kept closed except when *rubbish* is being deposited or discharged; and

116.5 kept at all times in good order and in a clean and sanitary condition; and

116.6 where the container is to be emptied by *Council* or its agents, of a type which complies with this Local Law unless otherwise approved by *Council*.

Penalty: 20 penalty units

117. The *occupier* of any *premises* must, when required by an *Authorised Officer*, ensure that the area within the *premises* on which such trade, industrial or commercial *rubbish* container is stored or kept is:

117.1 provided with an approved impervious surface, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the *Authorised Officer* and supplied with a tap connected to reticulated water supply and a hose of approved size; and

- 117.2 screened in such a way and with such material as is required by the *Authorised Officer*, and
- 117.3 adequately fenced or otherwise constructed so as to deny access to the public.

Penalty: 20 penalty units

118. The *occupier* of any *premises* must ensure that the container referred to in clause 116 only remains on a *road* or other *Council land* on the day of collection and in a location which does not interfere with vehicular or pedestrian traffic or which is otherwise approved by an *Authorised Officer*.

Penalty: 20 penalty units

119. The *occupier* of any *premises* must ensure that the area on which any container used for the storage of industrial, trade or commercial *rubbish* and its surrounding area is maintained at all times in a clean and sanitary condition.

Penalty: 20 penalty units

Sale of Aerosol Spray Paint Containers

120. A person who:
- 120.1 offers for sale any aerosol spray paint container; or
 - 120.2 owns, operates or manages a business from *premises* on which an aerosol spray paint container is offered for sale
- must not
- 120.3 store or display; or
 - 120.4 cause to be stored or displayed; or
 - 120.5 allow to be stored or displayed
- any aerosol spray paint container in an area that is accessible to the public.

Penalty: 5 penalty units

121. An *Authorised Officer* may seize or impound any aerosol spray paint container which is found in circumstances where clause 120 has been contravened.

CONSTRUCTION AND WORKS

Tapping into Drains

122. A person must not, without a *permit*, destroy, damage or tap into a *Council* drain.

Penalty: 20 penalty units

Interference with Water Courses

123. A person must not, without a *permit*, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or fence which is the property or under the control or management of *Council*.

Penalty: 20 penalty units

Management of Stormwater

124. A *person in charge* must comply with any requirements imposed by the *Building Site Stormwater Code of Practice* in respect of any *building work* on a *building site*.

Penalty: 20 penalty units

125. If requested to do so by an *Authorised / Delegated Officer*, a *person in charge* must, to the best of that person's knowledge, identify or attempt to identify any person responsible for contravening the *Building Site Stormwater Code of Practice* while on that *building site*.

Penalty: 20 penalty units

Road Occupation & Works

126. A person must not, without a *permit*, occupy or fence off part of a *road*, undertake any trenching, under boring or reinstatement works, use a mobile crane or travel tower, or erect a hoarding or overhead protective awning in, on, under or over a *road* or other *Council land*.

Penalty: 20 penalty units

127. In determining whether to grant a *permit* for *road* opening, reinstatement or works under clause 126, *Council* must take into account:

- 127.1 the nature and duration of the works; and
- 127.2 the likely hazard to users of the *road*; and
- 127.3 whether persons who may be liable for injury caused by the works are insured against that risk; and
- 127.4 the impact of the works on the amenity of the adjoining area; and
- 127.5 whether an indemnity and security bond have been provided to *Council*; and
- 127.6 any other matter relevant to the circumstances of the application.

128. Clause 126 does not apply to the works of *Service Authorities*:

- 128.1 in an emergency or urgent circumstances; or
- 128.2 when works are being carried out in accordance with the *Road Management Act 2004*.

Vehicle Crossings

129. A person must not, without a *permit*, construct a *vehicle crossing*.

Penalty: 20 penalty units

130. An *owner* or *occupier* of any *premises* must ensure that any *vehicle crossing* constructed to service those *premises* is constructed and sited to the satisfaction of *Council*.

Penalty: 20 penalty units

131. *Council* may by notice in writing to the *owner* or *occupier* of *premises* require:

- 131.1 the construction of a satisfactory *vehicle crossing* to any *premises*, with the full cost of such works to be borne by the *owner* or *occupier*; or
- 131.2 the repair of a *vehicle crossing* which is in a state of disrepair, with the full cost of such works to be borne by the *owner* or *occupier*; or
- 131.3 the removal of a *vehicle crossing* and reconstruction of the kerb and

channel and footpath where the *vehicle crossing* is, in the opinion of *Council*, no longer required, with the full cost of such works to be borne by the *owner* or *occupier*.

132. An *owner* or *occupier* of *land* to whom a notice in writing is given under clause 131 must comply with the requirements of such notice.

Penalty: 20 penalty units

Asset Protection

133. The

133.1 *owner* of any *land*;

133.2 *builder* engaged to carry out *building work* on *land*;

133.3 *appointed agent*; or

133.4 demolition *contractor* engaged to carry out the demolition of a structure on the *land*, in the case of *building work* involving demolition,

must:

133.5 obtain an *Asset Protection Permit* before carrying out the *building work*; or allowing the *building work* to be carried out on that *land*; and

133.6 not carry out or allow to be carried out any *building work* on that *land* unless an *Asset Protection Permit* has been obtained.

Penalty: 20 penalty units

134. An *Asset Protection Permit* expires on the date specified in the *Asset Protection Permit* or, if not specified, 24 months after the date of its issue, unless it is renewed.

135. A security bond is required to be paid on granting an *Asset Protection Permit*, the amount of which will be determined by *Council*.

136. Upon completion of the *building work*, the amount of the security bond may be:

136.1 retained by *Council* to offset the costs of repairing any damage; or

136.2 refunded to the person who lodged it, upon that person requesting that it be refunded and *Council* being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction.

137. If an *Asset Protection Permit* has expired and the security bond to which it relates has not been retained or refunded in accordance with clause 136, the security bond will become the property of *Council* absolutely and may be used by *Council* in any way that it thinks fit.

Construction Management

- 137A Unless otherwise agreed by *Council*, a *person in charge* must comply with any requirements imposed by the *Construction Management Guidelines* in respect of any *building work* on the *building site*.

Penalty: 20 penalty units

Inspections of a Building Site

138. *Council* may determine if and when inspections of a *building site* may be conducted.

139. An *Authorised Officer* may enter any *land* or *building* at any reasonable time for the purpose of inspecting any *public infrastructure asset, building work, sewer*ed toilet, portable toilet (closed) system, *vehicle*, plant, facility, *temporary vehicle crossing* or other thing referable to complying with this Part.
140. If, as a result of an inspection of a *building site*, an *Authorised / Delegated Officer* identifies any damage which appears to result from non-compliance with this Local Law, the *Authorised / Delegated Officer* may direct the responsible person to reinstate the damage within a specified time.
141. The *Authorised / Delegated Officer* giving the direction under clause 140 must provide the responsible person with written confirmation of that direction either at the time of the inspection or within a reasonable timeframe.
142. A person to whom a direction is given under clause 140 must comply with such direction.

Penalty: 20 penalty units

Temporary Toilet Facilities on Building Sites

143. The:

143.1 *owner* of the *land* on which the *building work* is being or is to be carried out;

143.2 *builder* engaged to carry out the *building work* ; or

143.3 *appointed agent*

must not carry out or allow to be carried out any *building work* or other work necessitating the employment or engagement of persons on a *building site* unless a sewer^{ed} toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (at least monthly) for the use of persons on that *building site* to the satisfaction of *Council* or an *Authorised / Delegated Officer*.

Penalty: 10 penalty units

PART 6 - COUNCIL BUILDINGS

Behaviour in Council Buildings

144. A person must not in any *Council building* or its surrounds:

144.1 behave in a manner which is boisterous or harmful or which interferes with the quiet enjoyment of any person using the *Council building*; or

144.2 act in any way that endangers any person who is in a *Council building*; or

144.3 use indecent, insulting, offensive or abusive language; or

144.4 destroy, damage, write upon or interfere with any structure or any *Council* property contained in a *Council building*; or

144.5 act contrary to a sign; or

144.6 deposit any litter except in a receptacle provided for that purpose; or

144.7 except for a child under the age of 6 years in the care of a responsible person, enter or use any dressing room, shower convenience or any passage leading thereto in a *Council building* which has been appointed or appropriated to persons of the opposite sex; or

- 144.8 without a *permit*, hawk, *sell* or hire out any goods, articles or services; or
- 144.9 obstruct, hinder or interfere with any person apparently managing, any attendant of, any member of *Council's* staff working in or any person employed at a *Council building* in the performance of their duties.

Penalty: 10 penalty units

Availability & Hire

145. A person must not, without a *permit* or other form of *Council* consent organise or undertake any event in a *Council building*.

Penalty: 10 penalty units

Management Committees

146. *Council* may appoint a committee, known as a Management Committee, to advise it on the management of any *Council building*.

Hours

147. Subject to clause 149, *Council buildings* will be open to the public during such hours as *Council* determines.
148. *Council* or an *Authorised Officer* may at any time close a *Council building* or any part of it for any purpose, including maintenance and cleaning.
149. *Council* or an *Authorised Officer* may, at any time, restrict or prohibit normal entry to a *Council building*.
150. *Council* or an *Authorised Officer* may from time to time hire out a *Council building* or any designated part or parts thereof to any person, organisation or group and for such purposes as the *Council* or an *Authorised Officer* deems fit.
151. During any period for which a *Council building* or any part thereof has been so hired out, the *Authorised Officer* may refuse admission thereto to any person other than persons associated with the purpose of the hirer.
152. *Council* or an *Authorised Officer* may provide for such conditions on any hiring as the *Council* or Manager deems fit.

Prohibition on Entry

153. A person must not, without the approval of *Council*:
- 153.1 enter or remain in a *Council building* while under the influence of intoxicating liquor or any prohibited drug, or bring liquor or any prohibited drug into a *Council building*; or
- 153.2 bring any *animal* into a *Council building* or allow any *animal* under his or her control to remain in a *Council building*; or
- 153.3 re-enter a *Council building* within 24 hours after being directed by the *Authorised Officer* to leave for any breach of this Local Law or any other law; or
- 153.4 enter or remain in a *Council building* other than during the hours when the *Council building* is open to the public, without the approval of the *Chief Executive Officer* or a *Senior Officer*;
- 153.5 enter a *Council building* other than through an entrance provided for the purpose of public entry; or
- 153.6 enter or remain in any part of a *Council building* not set aside for public use; or

153.7 enter or remain in a *Council building* if he or she is under the age of 10 years, unless he or she is in the care of a responsible adult.

Penalty: 10 penalty units.

154. Sub-clause 153.2 does not apply to the bringing of any *assistance animal* into a *Council building*.

155. Sub-clauses 153.5, 153.6 and 153.7 do not apply to a member of *Council* staff or any other person authorised to be present by *Council*.

Prohibited Articles

156. A person must not bring into or cause or permit to be brought into or remain in any part of a *Council building* any:

156.1 *wheeled recreational vehicle, wheeled toy or bicycle*; or

156.2 chemical, substance, liquid or powder which is dangerous or injurious to health or has the potential to foul, pollute or soil any part of a *Council building* or to cause discomfort to any persons in a *Council building*, whether by offensive or noxious smell or otherwise.

Penalty: 10 penalty units.

PART 7 – COUNCIL LAND & FORESHORE RESERVES

Behaviour on Council Land & Foreshore Reserves

157. A person must not, in or upon any *Council land* or *foreshore reserve*:

157.1 damage or interfere with any structure, notice, *building* or part thereof, seat, tree or plant; or

157.2 walk on natural resource areas, flower beds or borders, climb trees, or enter any prohibited areas as *designated* by *Council* from time to time; or

157.3 climb, get on or over any fence or gate or write on or disfigure or post bills or advertisements on any of the fences, gates, walls, seats or other structures; or

157.4 roll or throw stones or missiles; or

157.5 leave any litter except in bins provided; or

157.6 spit upon or otherwise foul any path or structure; or

157.7 remove, displace, disfigure or damage any noticeboard, scoreboard or other fixture; or

157.8 carry firearms or shoot, attempt to shoot, snare, attempt to snare, destroy or attempt to destroy any bird or *animal* therein or thereon except with the written authority of *Council* or unless specifically authorised to do so being a person who is a member of the Victoria Police in the course of his or her duties or another person authorised under the *Firearms Act 1996*; or

157.9 play any *unlawful game* or make any wager for money or carry on any form of gambling or by any unseemly or indecent conduct or otherwise interfere with the comfort or enjoyment of other persons; or

157.10 interfere with or in any way hinder or interrupt any member of *Council's* staff or any *Authorised Officer*; or

157.11 act in any way that endangers any person; or

157.12 behave in a manner which is boisterous or harmful or which interferes with another person's use and enjoyment of the *Council land* or *foreshore reserve* or any part thereof; or

- 157.13 use any indecent or abusive language; or
- 157.14 enter or remain while in a drunken or intoxicated condition or while under the influence of any hallucinatory drug; or
- 157.15 remain at any time when lawfully directed to leave by any *Authorised Officer* or member of *Council's* staff notwithstanding that a fee or charge for admission may have been paid; or
- 157.16 act contrary to any lawful direction of any member of *Council's* staff or any *Authorised Officer*, including any direction to leave the *Council land* or *foreshore reserve*; or
- 157.17 commit any nuisance; or
- 157.18 act contrary to any sign; or
- 157.19 shift or remove any rubbish bin or container provided by *Council*.

Penalty: 10 penalty units

Use of Council Land & Foreshore Reserves

- 158. A person must not, without a *permit* (or a permit or licence granted by an agency of the State Government), while in or upon any *Council land* or *foreshore reserve*:
 - 158.1 light any fire or permit any fire to remain alight unless in a fireplace provided by *Council*; or
 - 158.2 conduct any event; or
 - 158.3 establish, erect or affix any permanent memorial; or
 - 158.4 erect, fix, distribute, or place any advertisements for any commercial, charitable, cultural or community purposes; or
 - 158.5 organise, hold or attend any rally, procession, demonstration or other public gathering; or
 - 158.6 conduct, organise or participate in any competitive game or sport; or
 - 158.7 engage in, play or practise cricket, football, bowls, tennis, lacrosse, golf, archery or any like games that may interfere with the use and enjoyment of the *Council land* or *foreshore reserve* or any part thereof by any other person; or
 - 158.8 *sell* any article or operate or cause to be operated any amusement for which a charge is made or make a collection of money for any purpose; or
 - 158.9 ride, drive or use any horse, *motor vehicle*, motor cycle, recreation vehicle, *bicycle*, *wheeled recreational device*, *wheeled toy* or other *vehicle*.
 - 158.10 enter or remain within or upon any playing area during the progress of any sports match or sports gathering, except where the person is a player, official or competitor at such sports match or sports gathering authorised under this Part; or
 - 158.11 enter any plots or areas which are set aside for the planting or growing of plants, unless the person is a member of *Council's* staff or a member of the Management Committee.

Penalty: 10 penalty units

- 159. Sub-clause 158.9 does not apply to:
 - 159.1 the parking of any *motor vehicle*, motor cycle, *bicycle* or other *vehicle* in

- any parking area set aside for that purpose by *Council*; or
- 159.2 the wheeling of *bicycles*, prams, wheelchairs, child or baby carriages and children's toys; or
- 159.3 the riding or use of a *wheeled recreational device*, *wheeled toy* or *bicycle* in such a manner that does not interfere with the use or enjoyment of the *Council land* or *foreshore reserve* or any part thereof by any other person, except where *Council* has by sign provided to the contrary; or
- 159.4 any *Authorised Officer* or member of *Council's* staff acting in the course of his or her duties; or
- 159.5 any roadway *designated* by *Council* resolution as being an exception to sub-clause 158.9.

Access to Council Land & Foreshore Reserves

- 160. *Council* or an *Authorised Officer* may *approve* days and times upon which charges or entrance fees may be made for the use of *Council land and foreshore reserves*.
- 161. *Council* or an *Authorised Officer* may grant permission to use *Council land and foreshore reserves* on such terms and conditions as it or he/she thinks fit, and may demand a security bond to be held by *Council* for the duration of any works and returned if *Council's* terms and conditions are met.
- 162. *Council* or an *Authorised / Delegated Officer* may from time to time resolve or determine that certain *Council land and foreshore reserves* or parts thereof be provided for public access or withdrawn from public access.
- 163. A person must not:
 - 163.1 enter or exit any *Council land* or *foreshore reserve* other than via a designated access point/s (where applicable); or
 - 163.2 park a *vehicle* on *Council land* or a *foreshore reserve* other than in a dedicated parking area.

Penalty: 10 penalty units

- 164. A person must not, without a *permit*, access a property abutting *Council land* or *foreshore reserve* via the *Council land* or *Foreshore Reserve*.

Penalty: 10 penalty units

Animals in or on Council Land & Foreshore Reserves

- 165. A person must not cause or permit any horse or other *animal* belonging to that person or in respect of which he or she is in charge to be brought onto, enter or remain on any part of *Council land* or *foreshore reserve*, other than an area or areas identified by the erection of signs.

Penalty: 5 penalty units

- 166. Clause 165 does not apply to the use of any *assistance animals*.
- 167. Any *animal* found on *Council land* or a *foreshore reserve* contrary to this Local Law may be seized and impounded by an *Authorised Officer*.

Enclosures

168. A person must not, except where and in accordance with any conditions authorised by *Council*, enter any area on *Council land* or a *foreshore reserve* enclosed for plantation of young trees, shrubs, marrum grass, grass plots, dune restoration or for the growth or preservation of native flora.

Penalty: 5 penalty units

Fires

169. A person must not, without a *permit*, light, cause to be lit or remain alight any fire on any part of *Council land* or a *foreshore reserve*

Penalty: 10 penalty units

Stranded Vehicles

170. An *Authorised Officer* may remove or cause to be removed any *vehicle* causing an obstruction or parked, stranded or left on *Council land* or a *foreshore reserve* provided that the removal of the *vehicle*:

170.1 is agreed to by its *owner* or driver; or

170.2 is reasonable having regard to the obstruction being caused and the means readily available to remove that obstruction.

171. Any *vehicle* left on *Council land* or a *foreshore reserve* for a continuous period exceeding 24 hours may be removed by *Council* and impounded.

172. A person must not park or leave standing any *vehicle* on a *Council land* or a *foreshore reserve* so as to cause an obstruction to any other *vehicle* or persons other than in a parking area *designated* for the parking of such a *vehicle*.

Penalty: 5 penalty units

Bathing Boxes & Boathouses

173. A person must not use or allow to be used:

173.1 any bathing box on *Council land* or a *foreshore reserve* for any purpose other than for passive recreation, dressing, undressing and the storage of bathing suits and beach accessories; or

173.2 any boat house or fishing box on *Council land* or a *foreshore reserve* for any purpose other than:

173.2.1 a purpose mentioned in sub-clause 173.1; or

173.2.2 the storage of boats and fishing gear.

Penalty: 5 penalty units

174. Every person granted permission to occupy any site on *Council land* or a *foreshore reserve*, whether in the form of a *permit* or otherwise, must pay *Council* the fees determined by *Council* from time to time.

175. *Council* may remove from *Council land* or a *foreshore reserve* any bathing box, boathouse, fishing box or other *building* on *Council land* in the event of non-payment of fees or for any other reason deemed sufficient by *Council*.

176. *Council* may allow the transfer of any permission to occupy a site on *Council land* (including a *permit*) but no person must sublet or sub-license or part with possession or occupation of any site or structure in or on *Council land* or a *foreshore reserve*.

Penalty: 5 penalty units

177. The renewal of any permission to occupy a site on *Council land* (including a *permit*) is at all times at the discretion of *Council*.
178. Without limiting the generality of clause 177, *Council* may remove from *Council land* or a *foreshore reserve* any bathing box, boathouse, fishing box or other *building* if there has been:
- 178.1 a failure to comply with any notice to comply in respect of rectifying any structural defect, dangerous state, unsightliness, regular or periodic use for purposes other than those permitted under clause 173; or
- 178.2 any prolonged disuse or termination of a lease, licence or *permit*; or
- 178.3 any program of removal agreed to by *Council* for reasons of addressing tidal effects, beach stabilisation, erosion or other purposes; or
- 178.4 any direction for removal issued by any Coastal Management or other Government Agency.

Defacing Council Land

179. A person must not
- 179.1 destroy, damage, deface or interfere with any *road* or other *Council land*; or
- 179.2 destroy, damage or interfere with any trees or plants on any *road* or other *Council land*; or
- 179.3 remove any thing belonging to the *Council* from any *road* or other *Council land*; or
- 179.4 destroy, damage or interfere with any *Council* property or assets (owned or managed by *Council*) located on any *road* or other *Council land*.

Penalty: 20 penalty units

180. A person must not plant or place any trees, plants or shrubs or associated landscape features on any *road* or other *Council land* unless such features are consistent with the *Nature Strip Guidelines*.

Penalty: 20 penalty units

Bin Skips

181. An *owner* of a *bin skip* must not, without a *permit*, place or cause or allow to be placed a *bin skip* for the removal of *building* or industrial, *green* or *domestic* waste or vegetation on any *road* or other *Council land*.

Penalty: 10 penalty units

182. The *owner* of a *bin skip* placed on private property must ensure that the *bin skip* does not discharge or drain directly or flow onto any *road* or other *Council land*.

Penalty: 10 penalty units

183. In determining whether to grant a *permit* for the placement of a *bin skip* on a *road* or other *Council land*, *Council* must take into account:
- 183.1 whether the placement will obstruct the passage of *vehicles* and pedestrians, obscure the view of motorists or present a physical hazard; and
- 183.2 where relevant, whether the applicant holds a relevant accreditation with *Council*; and

- 183.3 whether the placement will contravene the restrictions or limitations imposed by the inscription on any traffic control signs; and
- 183.4 whether hazard lights can be securely attached on the side nearest passing traffic or placed on a *carriageway* or adequate reflective tape can be attached at either end of the *bin skip*, so that an approaching motorist can identify the extent and form of the *bin skip* container; and
- 183.5 the protection of any *Council* assets; and
- 183.6 whether any indemnity and guarantee has been provided; and
- 183.7 whether the person or persons who may be liable for injury caused by the placing of the *bin skip* is or are insured against that risk; and
- 183.8 any other matter relevant to the circumstances of the application.

Materials on Roads or Council Land

- 184. A person must not, without a *permit*, place, store, leave or cause or allow to be placed, stored or left on any *road* (whether or not a public highway) or other *Council land* any item/s or material/s.

Penalty: 20 penalty units

- 185. Any items or materials left on any *road* (whether or not a public highway) or other *Council land* may be removed by an *Authorised Officer*, and he or she may request the person who placed, stored, left or caused or allowed to be placed stored or left on the *road* or *Council land* the item/s or material/s to remove the item/s or material/s, which may be disposed of in any manner convenient and any items or equipment may be impounded.
- 186. A person must comply with a request made by an *Authorised Officer* under clause 185.

Penalty: 20 penalty units

- 187. In determining whether to grant a *permit* under clause 184, *Council* must have regard to:
 - 187.1 the area of *land* to be affected by the deposit, storage or leaving of the item/s or material/s; and
 - 187.2 the use to which that *land* is normally put; and
 - 187.3 the safety in using that land for the proposed purpose; and
 - 187.4 the nature of signs or lighting to be required (if any) relating to such use; and
 - 187.5 the duration of the proposed use; and
 - 187.6 whether the person or persons who may be liable for injury caused by the placing of the item/s or material/s is or are insured against that risk; and
 - 187.7 whether an indemnity and guarantee has been provided; and
 - 187.8 what arrangements are in place for restoring the area; and
 - 187.9 whether there is a need to comply with section 223 of the *Act*; and
 - 187.10 any other matters considered relevant to the circumstances.
- 188. Nothing in clause 185 or 186 applies to any person who parks or leaves standing any *motor vehicle* on a *road* or who leaves any item or material/s on a *road* in accordance with this Local Law.

Substances from Livestock

189. A person must not, without a *permit*, drive, ride or lead any livestock on any *road* or other *Council land*.

Penalty: 20 penalty units

NOTE

Where the *road* is a *state road*, the permission of the relevant state *road* authority must also be obtained.

190. A person driving, riding or leading livestock on a *road* must take all reasonable steps to promptly remove any substance on the *road* that has fallen from, or been deposited by, the livestock, and must make good any damage and remove any consequent hazard.

Penalty: 20 penalty units

191. Where any damage or hazard remains on a *road* as a result of the driving, riding or leaving of livestock, the person referred to in clause 190 must promptly notify *Council* and Victoria Police of the damage or hazard.

Penalty: 20 penalty units

Camping on Council Land & Public Places

192. Unless permitted under the Kingston Planning Scheme, a person must not, without a *permit*:

192.1 *camp*; or

192.2 keep, erect, place or occupy a caravan, tent or similar structure on *Council land* or in a *public place*.

Penalty: 5 penalty units

Trees & Plants Overhanging Roads Council Property

193. The *owner* or *occupier* of any *premises* abutting any *road* must not allow trees and or plants to grow on or from those *premises* in such a manner that they cause danger to traffic or drivers by preventing an unobstructed passage and a clear view of other *vehicles* or signs or signals installed to control, direct, guide, regulate or warn drivers.

Penalty: 5 penalty units

194. The *owner* or *occupier* of any *premises* must not allow any trees or plants growing on or from those *premises* to overhang a footway or other *Council land* at a height of less than 2.4 metres.

Penalty: 5 penalty units

195. The *owner* or *occupier* of any *premises* must not allow any trees or plants growing on or from those *premises* to overhang the *carriageway* of a *road* at a height of less than 4.5 metres.

Penalty: 5 penalty units

Circuses & Carnivals

196. A person must not, without a *permit*, conduct a circus, carnival or similar event on any *land*.

Penalty: 20 penalty units

197. Clause 196 does not apply where the Kingston Planning Scheme allows a circus, carnival or other similar event to be held subject to a planning permit being obtained, and it is conducted in compliance with the “*Good Neighbour Code of Practice for Circus or Carnival*”.
198. In determining whether to grant a *permit* under clause 196, *Council* must take into account:
- 198.1 the location of the *land*; and
 - 198.2 the suitability of the *land*; and
 - 198.3 the duration of the event; and
 - 198.4 the proposed hours of operation; and
 - 198.5 the availability of sanitary facilities to the *land*; and
 - 198.6 the likely damage to be caused; and
 - 198.7 the amenity of the area; and
 - 198.8 the availability of parking; and
 - 198.9 whether the person who may be liable for injury caused as a result of the holding of the circus, carnival or other similar event is insured against that risk; and
 - 198.10 the likely effects on traffic in the area; and
 - 198.11 whether an indemnity and guarantee has been provided; and
 - 198.12 any other matter relevant to the circumstances associated with the application.
- 198A Maintenance of *nature strips*
- The *owner* or *occupier of land* must ensure that the *nature strip* adjacent to or otherwise referable to that *land*:
- 198A.1 is maintained in a neat and tidy condition; and
 - 198A.2 does not contain lawn exceeding 30 centimetres in height.

PART 8 - CONSUMPTION OF LIQUOR AND SMOKING IN PUBLIC PLACES

Consumption of Liquor

199. A person must not, without a *permit*, consume any *liquor* or have in his or her possession a bottle, can, wine cask or other receptacle which has been opened and which contains *liquor* in any *public place* between 6 p.m. on 31 December and 10 am on 1 January in the following year.

Penalty: 5 penalty units

200. *Council* may from time to time *designate* areas where *liquor* may not be consumed or possessed in opened containers.
201. A person must not, without a *permit*, consume *liquor* or have *liquor* in his or her possession in an opened container in an area *designated* in accordance with clause 200.

Penalty: 5 penalty units

202. Despite clauses 199 and 201, a person who consumes *liquor* or has *liquor* in his or her possession in an opened container does not commit an offence if:
- 202.1 he or she is taking part in a procession, function, *street party* or other activity on a *road* or other *public place* in respect of which a licence or *permit* has been granted to possess *liquor* in an opened container or drink alcohol in accordance with any other Act; or
- 202.2 he or she is in or on licensed premises or an extension of licensed premises in respect of which consumption of *liquor* and possession in opened containers is permitted; or
- 202.3 in respect of an area *designated* under clause 200 the area is not signposted with a sign indicating the nature of the prohibition.
203. *Council* may grant a *permit* for the consumption of any *liquor* or for the possession of *liquor* in unsealed containers in any *public place* as may be *designated* by *Council*

No Smoking in Smoke Free Areas

Prohibition on Smoking

200A A person must not smoke a *tobacco product* or an *e-cigarette* in a *smoke free area*.

Penalty: 5 penalty units

200B Where an *Authorised Officer* believes on reasonable grounds that a person is contravening or has contravened clause 200A the *Authorised Officer* may direct the person to:

200B.1 in the case of a *tobacco product*, extinguish and then dispose of the *tobacco product*

200B.2 in the case of an *e-cigarette*, cease using the device.

200C A person to whom a direction is given under clause 200B must comply with that direction

Penalty: 5 penalty units

Smoke free Areas

200D In this Local Law, *smoke free area* means any area within the *municipal district* determined by *Council* to be a *smoke free area* for the purposes of this Local Law.

200E When determining whether to prescribe a *smoke free area* for the purposes of clause 200D.3 of this Local Law, *Council* must have regard to the following factors:

200E.1 the size of the proposed *smoke free area*;

200E.2 the proximity of the proposed *smoke free area* to a *public place*, part or all of which is not in a *smoke free area*;

200E.3 the extent and outcome of any public consultation on the proposed *smoke free area*;

200E.4 any benefits to the community which would be achieved by *Council* prescribing the *proposed smoke free area*; and

200E.5 any detriment to the community which would be caused by

Council prescribing the proposed *smoke free area*.

200F The *Council* or an *Authorised Officer* may erect, or cause to be erected, an *acceptable no smoking sign* in a *smoke free area*.”

PART 9 – FIRE

Lighting fires in the open

204. A person must not, without a *permit*, light, allow to be lit or to remain alight a fire in the *open air* on any *land*.

Penalty: 10 penalty units

205. *Council* will only grant a *permit* under clause 204 if it is satisfied that the *permit* is:

205.1 to burn within an area designated rural, industrial or commercial under the Kingston Planning Scheme for the purpose of fuel reduction, regeneration of indigenous plants, eradication of prohibited weeds or diseased plants or any other purpose *Council* sees fit; or

205.2 for the purpose of the person enjoying his or her culture or practising his or her religion.

206. Notwithstanding any other provision of this Local Law, a person who lights, or allows to be lit, a fire in the *open air* must not leave the fire burning unattended.

Penalty: 10 penalty units

Fires on private property

207. Clause 204 does not apply to a fire lit on *private property*:

207.1 in a barbecue, pizza oven or *manufactured fireplace* for the purpose of cooking food for human consumption or creating heat outdoors; or

207.2 for the purpose of the person enjoying their culture or practising their religion.

Fire hazards

208. A person must:

208.1 not burn or cause or allow to be burned any substance that is likely to cause a risk of fire to the area surrounding the fire or to endanger the safety of any person; and

208.2 in respect of any *private property* of which the person is the *owner* or *occupier*, ensure that all necessary steps are taken to prevent fires on that property and to minimise the possibility of the spread of fire from that property to another property.

Penalty: 10 penalty units

Roads and footpaths

209. A person must not on any *road*, light or allow to be lit or to remain alight any fire, unless that person is an officer or employee or authorised contractor of a *public body* and engaged in an activity for or on behalf of that *public body*, except in accordance with a *permit* granted under another clause of this Local Law.

Penalty: 10 penalty units

Incinerators

210. A person must not light or allow to be lit or remain alight a fire in any *incinerator*.

Penalty: 10 penalty units

211. A person must not construct, erect, install, use or allow to be constructed, erected, installed or used, an *incinerator* on any *land*.

Penalty: 5 penalty units

212. Clauses 210 and 211 do not apply in respect of any *incinerator* which is the subject of a valid planning permit.

Electric and gas BBQs, pizza ovens, and manufactured fireplaces

213. Nothing in this Part 9 prevents the use of barbecues, *manufactured fireplaces*, pizza ovens or heaters fuelled by electricity or gas in the open air on *private property* (see also clause 158.1 of this Local Law).

Directive Powers

214. An *Authorised Officer* may direct the *owner* or *occupier* or person in charge of any *land* or *premises* on which a fire is alight in the *open air* contrary to any provision of this Local Law to immediately extinguish the fire.

215. An *owner* or *occupier* or person in charge of *land* or *premises* must comply with a direction under clause 214.

Penalty: 10 penalty units

216. If any person fails to extinguish a fire when directed to do so by an *Authorised Officer* such *Authorised Officer* may extinguish or cause to be extinguished such fire.

217. An *Authorised Officer* may extinguish or cause to be extinguished a fire left unattended in the *open air*.

218. [Not used]

219. [Not used]

220. [Not used]

221. [Not used]

222. [Not used]

PART 10 – PERMITS & DELEGATION

Applying for a Permit

223. A person who wishes to apply for a *permit* may do so by:

223.1 lodging with *Council* an application in a form or to the effect prescribed by *Council*; and

223.2 paying to *Council* the appropriate application fee.

224. *Council* may require an applicant to provide additional information before further considering an application for a *permit*.

225 *Council* may require a person applying for a *permit* to give public notice of the application, and entitle any person to make a submission and be heard about it.

Fees

226 *Council* may by resolution, from time to time, determine fees for the purposes of this Local Law, and:

226.1 in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so; and

226.2 may waive, reduce or alter a fee with or without conditions.

Issue of Permits

227 *Council* may:

227.1 issue a *permit* with or without conditions; or

227.2 refuse to issue a *permit*.

Conditional Permits

228 A *permit* may be subject to conditions which *Council* considers to be appropriate in the circumstances, including:

228.1 the payment of a fee or charge; and

228.2 a time limit to be applied whether specifying the duration commencement or completion date; and

228.3 the happening of an event; and

228.4 the rectification, remedying or restoration of a situation or circumstance; and

228.5 Where the applicant is not the owner of the subject land, the responsibility/obligation of undertaking the conditions on the permit; and

228.5 A where the applicant is not the *owner* of the subject *land* but the *owner* has given their consent to it, that the *owner* will be responsible, jointly and severally with the applicant, for compliance with the conditions on the *permit*; and”

228.6 the granting of some other *permission* or authorisation; and

228.7 any other matter considered relevant to a particular application.

229 The conditions of a *permit* must be set out in the *permit*.

230 *Council* may, during the currency of a *permit*, alter the conditions of a *permit* if it considers it to be appropriate to do so, after providing the *permit* holder with an opportunity to make comment on the proposed alteration.

231 A person who undertakes an activity for which *Council* has issued a *permit* must comply with the conditions of the *permit*.

Penalty: 10 penalty units

Duration of a Permit

232 A *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.

233 If no expiry date is indicated on a *permit*, the *permit* expires on 30 June next after

the day on which it is raised.

Cancellation of a Permit

- 234 *Council* may cancel a *permit* if it considers that:
- 234.5 there has been a serious or ongoing breach of the conditions of the *permit*;
or
 - 234.6 a *notice to comply* has been issued but not complied with within the time specified in the *notice to comply*; or
 - 234.7 there was a significant error or misrepresentation in the application for the *permit* or
 - 234.8 in the circumstances, the *permit* should be cancelled.
- 235 Before it cancels a *permit*, *Council* must, if it is practicable to do so, provide to the *permit* holder an opportunity to make comment on the proposed cancellation.
- 236 If a *permit* holder is not the *owner* of the subject *land*, and the *owner's* consent was required to be given to the application for the *permit*, the *owner* must be notified of any *notice to comply* and of the reason why it has been served.

Correction of Permits

- 237 *Council* may correct a *permit* in relation to:
- 237.5 a clerical mistake or an error arising from any accident, slip or omission;
or
 - 237.6 an evident material miscalculation or an evident material mistake of description of a person, thing or property.
- 238 *Council* must notify a *permit* holder in writing of any correction.

Registers

- 239 *Council* must maintain a register of *permits*, including details of corrections and cancellations.
- 240 *Council* must maintain a register of determinations made and of guidelines prepared for the purpose of this Local Law.

Service Authorities

- 241 A *Service Authority* or a person employed or acting on behalf of a *Service Authority* is not required to obtain a *permit* in respect of work which is for the purposes of the *Service Authority*.
- 242 A person who would, but for this clause, be required to obtain a *permit* in respect of any activity must notify *Council* of the activity prior to its commencement.

Exemptions

- 243 *Council* may by written notice exempt any person or class of persons from the requirement to obtain a *permit*, either generally or at specified times.
- 244 *Council* may require an applicant to provide additional information before dealing with an application for an exemption.
- 245 An exemption from the requirement to obtain a *permit* may be granted subject to conditions.
- 246 A person must comply with the conditions of an exemption from the requirement

to obtain a *permit*.

Penalty: 10 penalty units

- 247 An exemption from the requirement to obtain a *permit* may be cancelled or corrected as if it were a *permit*.

Offences

- 248 A person who makes a false representation or declaration (whether oral or in writing), or who omits relevant information, in an application for a *permit* or exemption is guilty of an *offence*.

Penalty: 10 penalty units

Delegation

- 249 In accordance with section 114 of the *Act* and subject to clause 250A, *Council* delegates to:

249.5 the *Chief Executive Officer* and to each *Senior Officer* and to any person for the time being acting for such persons all the powers, discretions and authorities of *Council* under this Local Law including the powers and discretions to issue or refuse *permits*, fix conditions and durations relevant to such *permits*, cancel *permits*, require additional information, apply guidelines or policies of *Council*, to waive the need for any *permit*, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power of *Council*; and

249.6 an *Environmental Health Officer* and to any person for the time being acting for that person the power to issue or refuse *permits* and apply conditions, exercise discretions and require additional information.

250 *Council* may, from time to time by resolution, impose conditions or limitations on the delegation in clause 249 and, if it does so, the delegation in clause 249 must be exercised subject to those conditions and limitations.”

Part 11 – ENFORCEMENT

Impounding

- 250 An *Authorised Officer* may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.

- 251 Where any thing has been impounded under this Local Law, *Council* or an *Authorised Officer* must, if it is practicable to do so, serve Notice of Impounding personally or by mail on the person who appears to be the *owner* of the impounded thing.

- 252 An impounded thing must be surrendered to:

252.5 its *owner*; or

252.6 a person acting on behalf of its *owner* who provides evidence to the satisfaction of an *Authorised / Delegated Officer* of his or her authority from the *owner* –

252.6.1 evidence to the satisfaction of the *Authorised / Delegated Officer* being provided of the *owner's* right to the thing; and

252.6.2 payment of any fee determined by *Council* or an *Authorised / Delegated Officer* from time to time.

- 253 If an impounded thing has not been surrendered to its owner or a person acting on the *owner's* behalf within 14 days of the Notice of Impounding being served

or, if no Notice of Impounding has been served, of the act of impounding, *Council* may, at its discretion,

254.1 *sell*;

254.2 *give away*; or

254.3 *destroy*,

the impounded thing.

Notice to Comply

254 An *Authorised / Delegated Officer* may, by serving a *Notice to Comply*, direct a person who appears to be in breach of this Local Law to remedy any situation which constitutes a breach under this Local Law.

Time to Comply

255 A *Notice to Comply* must state the time and date by which the situation must be remedied.

256 The time required by a *Notice to Comply* must be reasonable in the circumstances having regard to:

256.5 the amount of work involved; and

256.6 the degree of difficulty; and

256.7 the availability of necessary materials or other necessary items; and

256.8 climatic conditions; and

256.9 the degree of risk or potential risk; and

256.10 any other relevant factor.

Failure to Comply with a Notice to Comply

257 A person who fails to comply with a *Notice to Comply* served on that person is guilty of an *offence*.

Penalty: 10 penalty units.

Power of Authorised / Delegated Officer to Act in Urgent Circumstances

258 In urgent circumstances arising as a result of a failure to comply with this Local Law, an *Authorised / Delegated Officer* may take action to remove, remedy or rectify a situation without first serving a *Notice to Comply* if:

258.5 the *Authorised / Delegated Officer* considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a *Notice to Comply* may place a person, *animal*, property or thing at risk or in danger; and

258.6 wherever practicable, a *Senior Officer* is given prior notice of the proposed action.

259 In deciding whether circumstances are urgent, an *Authorised Officer* must take into consideration:

259.5 whether it is practicable to contact the person by whose default, permission or sufferance that situation has arisen; or

259.6 the *owner* or the *occupier* of the *premises* or property affected; and

259.7 whether there is an urgent risk or threat to public health, public safety, the environment or *animal* welfare.

- 260 The action taken by an *Authorised / Delegated Officer* under clause 259 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 261 An *Authorised / Delegated Officer* who takes action under clause 259 must ensure that as soon as practicable:
- 261.5 details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
- 261.6 a report of the action taken is submitted to the *Chief Executive Officer* or a *Senior Officer* to whom the *Authorised Officer* reports.

Offences

- 262 A person who:
- 262.5 contravenes or fails to comply with any provision under this Local Law; or
- 262.6 contravenes or fails to comply with any condition contained in a *permit* issued under this Local Law; or
- 262.7 contravenes or fails to comply with a *Notice to Comply* within the time specified in the *Notice to Comply*,
- is guilty of an *offence* and is liable to:
- 262.8 the *penalty* stated under a provision, or, if no *penalty* is stated, a *penalty* not exceeding five *penalty units* for a first offence;
- 262.9 a further *penalty* of two *penalty units* for each day after conviction during which the contravention continues; and
- 262.10 upon conviction for a second or subsequent *offence*, double the *penalty* stated under a provision or 20 *penalty units*, whichever is the lesser, or, if no *penalty* is stated, a *penalty* not exceeding 20 *penalty units*.
- 263 As an alternative to prosecution for an offence, a person may be served with an *Infringement Notice*.

Infringement Notices

- 264 An *Authorised Officer* may issue an *Infringement Notice* under this Local Law.
- 265 The penalty fixed in respect of an *Infringement Notice* is the amount set out in Schedule 1.
- 266 A person issued with an *Infringement Notice* may pay the penalty indicated to an *Authorised Officer* at *Council's* offices.
- 267 To avoid prosecution, the penalty indicated must be paid in accordance with the *Infringements Act 1996*.
- 268 A person issued with an *Infringement Notice* is entitled to disregard the *Infringement Notice* and defend the prosecution in court.

SCHEDULE 1 – PENALTIES FOR OFFENCES AGAINST THE LOCAL LAW

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
14	14	Failure to provide a suitable property number	2	1
14	15 and 16	Failure to comply with domestic waste, green waste and recyclable requirements	10	2
15	20	Failure to comply with hard waste requirements	2	2
15	21	Disposal of tree prunings contrary to the Local Law	2	2
16	22	Disposal of refrigerators/compartments contrary to the Local Law	10	2
16	23	Chimney discharge contrary to Local Law	5	2
16	24	Audible Intruder Alarm contrary to Local Law	10	5
16-17	27 and 30	Dangerous or unsightly land contrary to Local Law	10	2
17	34	Failure to undertake repair or restorative works contrary to Local Law	5	2
17	35	Growing of noxious weed species contrary to Local Law	5	2
18	36	Placement of moveable dwelling contrary to Local Law	5	1
18	38 and 40	Storage, assembly or dismantling of vehicles contrary to Local Law	5	2
19	42	Damage to or interference with protected trees contrary without a permit	20	10
19	45	Damage to protected trees (indirect responsibility)	20	10

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
19-20	46	Damage to Council land or on Council land caused by trees and plants	10	10
20	48 and 49	Keeping of animals contrary to Local Law	5	2
20	50	Keeping of cats in restricted areas	5	2
21	52 and 53	Animals and amenity contrary to Local Law	5	2
22-23	58A	Animal shelters not maintained in accordance with the Local Law	5	2
23	59	Keeping of bees and wasps contrary to Local Law	10	2
23	61	Failing to adequately fence grazing animals	10	2
23	62	Grazing animals at large contrary to Local Law	5	2
23-24	66	Non-compliance with parking permit conditions and parking management policy	10	2
24	67	Parking permit not kept and displayed in accordance with Local Law	2	
24	73	Repair and display of vehicles contrary to Local Law	20	2
24	74	Display of a vehicle for sale contrary to Local Law	20	2
24	75	Parking of abandoned, derelict or unregistered vehicles contrary to Local Law	10	2
25	78	Obstruction to free use of a road contrary to Local Law	20	5
25	78A	Charity or clothing recycling bin left on a road or Council land	20	4
25	79	Transportation of waste contrary to Local Law	10	1
25	80	Holding of street parties, festivals or processions contrary to Local Law	10	2

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
26	87	Use of road contrary to any sign erected on it	3	2
26	89	Storing/servicing heavy vehicles contrary to Local Law	5	2
27	91	Night soil contrary to Local Law	20	10
27	92	Trading on a road or Council land contrary to Local Law	20	4
27	93, 93A and 93B	Use of moveable advertising or display of goods contrary to Local Law	10	2
28	95	Busking contrary to Local Law	5	3
28	96	Use of outdoor eating facilities contrary to Local Law	10	2
28	98 and 99	Use and storage of shopping trolleys contrary to Local Law	10	1
28	105	Permit use of shopping trolleys without a coin mechanism	10	1
29	108 – 110	Street appeals contrary to Local Law	10	2
29	111	Street stalls contrary to Local Law	10	2
29	113 and 114	Use of wheeled recreational devices, wheeled toys or bicycles contrary to Local Law	2	5
29-30	115A and 115B	Use of wheeled recreational device contrary to Local Law	5	
31-32	116 – 119	Storage of industrial, trade and commercial rubbish contrary to Local Law	20	10
32	120	Storage of aerosol paint containers contrary to Local Law	5	2
32	122	Tapping into drains contrary to Local Law	20	5
32	123	Interference with water courses contrary to Local Law	20	5
32-33	124 – 125	Management of stormwater contrary to Local Law	20	10

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
33	126	Road occupation and works contrary to Local Law	20	5
33-34	129, 130 and 132	Construction of vehicle crossings contrary to Local Law	20	5
34	133	Failure to obtain and Asset Protection Permit	20	5
34	137A	Construction management contrary to Construction Management Guidelines	20	5
35	142	Failure to comply with a notice to following a site inspection.	20	5
35	143	Temporary toilet facilities on building sites contrary to Local Law	10	2
35-36	144	Behaviour in Council buildings contrary to Local Law	10	2
36	145	Use of Council buildings contrary to Local Law	10	2
36-37	153	Entry to Council buildings contrary to Local Law	10	2
37	156	Prohibited articles in Council buildings	10	2
37-38	157	Behaviour on Council land contrary to Local Law	10	2
38	158	Use of Council land and foreshore reserves contrary to local Law	10	2
39	163 and 164	Access to Council land contrary to Local Law	10	2
39	165	Animals on Council land or foreshore reserves contrary to Local Law	5	2
40	168	Entry to enclosures contrary to Local Law	5	2
40	169	Fires on Council land or foreshore reserves contrary to Local Law	10	2
40	172	Vehicles on Council land or foreshore reserves contrary to Local Law	5	2
40	173	Bathing boxes and boathouse on Council land or foreshore reserves contrary to Local Law	5	2

Community (Amendment) Local Law No. 3 – Adopted 26 November 2018 and Community (Amendment) Local Law No.4 Adopted 25 August 2020)

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
40	176	Subletting of bathing boxes and boathouse on Council land or foreshore reserves contrary to Local Law	5	2
41	179 - 180	Defacing Council land	20	2
41	181 - 182	Use of skip bins contrary to Local Law	10	2
42	184	Materials on roads or Council land contrary to Local Law	20	2
42	186	Failure to comply with a notice in relation to materials on roads	20	2
43	189 - 191	Substances from livestock contrary to Local Law	20	2
43	192	Camping on Council land contrary to Local Law	5	2
43	193 - 195	Trees and plants overhanging roads contrary to Local Law	5	1
43	196	Conduct of circuses and carnivals contrary to Local Law	20	4
44	199 - 201	Consumption of liquor contrary to Local Law	5	2
45	200A-200C	Smoking contrary to Local Law	5	2
46	204	Lighting of fires in open air contrary to Local Law	10	4
46	206	Leaving a burning fire unattended	10	4
46	208	Fire hazards	10	4
46	209	Lighting of fires on a road contrary to Local Law	10	4
47	210	Use of incinerators or other structures to light fires contrary to Local Law	10	4
47	211	Construction or install of incinerators contrary to Local Law	5	2
47	215	Non-compliance with a direction from an Authorised Officer	10	5

48	231	Failure to comply with a condition of a permit	10	2
49	246	Failure to comply with a condition of an exemption	10	2
50	248	False representation or omission relating to an application	10	2
51	258	Failure to comply with a notice to comply	10	2