



*City of*  
**Whittlesea**

**GENERAL MUNICIPAL LAW  
No 1 of 2014**

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## WHITTLESEA CITY COUNCIL

### GENERAL MUNICIPAL LAW 2014

#### PART 1

#### PRELIMINARY

##### Title

- 1.1. This is a Local Law of Whittlesea City Council and is known as the "General Municipal Law 2014".

##### Objectives

- 1.2 This Local Law is made for the purposes of:
- (a) controlling and protecting *public places* and *Council land*;
  - (b) controlling various matters which may adversely affect the amenity of the *municipal district* and the quality of life of *persons* within it;
  - (c) providing for a safe and healthy environment for *persons* within the *municipal district*;
  - (d) providing for, controlling and managing the use of *land* and *vehicles*;
  - (e) controlling:
    - (i) the sale of *goods* and services in various locations; and
    - (ii) the activities of street vendors and itinerant traders;
  - (f) controlling secondary activities on *roads*, including:
    - (i) trading;
    - (ii) *placing of goods and equipment*;
    - (iii) repairs to *vehicles*;
    - (iv) *processions, street festivals and street parties*;
  - (i) providing for the physical features of the *road* and adjacent *land* to be managed in a way which attends to the safety and convenience of people travelling on or using the *road* (whether on foot or by *vehicle*);
  - (ii) providing for, controlling and managing *traffic* and the use of *roads* and *land* by *persons, animals* and *vehicles*;
  - (i) controlling:

- (i) behaviour on roads, *public places* and *Council land*;
  - (ii) the numbering of *premises*;
  - (iii) the placement of things on *roads*;
  - (iv) obstructions;
  - (v) the use, construction, repair and removal of vehicle crossings and temporary vehicle crossings;
  - (vi) the removal and impounding of *vehicles* and other things; and
  - (vii) recycling collection bins;
- (j) limiting the use of *public places* by a certain class of *vehicle*;
- (k) controlling:
- (i) fires, *incinerators* and fire prevention;
  - (ii) amenity, and the condition and use of *land*;
  - (iii) motorised *vehicles*;
  - (iv) *advertising* and bill posting;
  - (v) camping;
  - (vi) *animals and birds*;
  - (vii) drainage;
  - (viii) noise; and
- (l) maintaining at all times a clean and sanitary condition in the *municipal district*;
- (m) environmental control, protection and conservation;
- (n) protecting *Council* assets;
- (o) revoking Council's General Local Law (No. 1 of 2008); and
- (p) generally maintaining the peace, order and good government of the *municipal district*.

### **Authorising Provision**

1.3 This Local Law is made under section 111(1) of the Local Government Act 1989.

## **Commencement**

1.4 This Local Law commences on 1 January 2015.

## **Cessation of Local Law**

1.5 Unless this Local Law is earlier revoked, it is revoked on the day which is 10 years after the day which is the earliest day on which any provision of the Local Law came into operation.

## **Application**

1.6 This Local Law applies throughout the whole of the *municipal district*.

## **Exemptions**

1.7

- (1) This Local Law does not apply to any person employed or engaged in any authorised activity or duty being undertaken by or on behalf of Council whilst so actually employed or engaged.
- (2) A provision of this Local Law requiring a *permit* to be obtained does not apply to a *person* employed or engaged in an authorised activity or duty being undertaken by or on behalf of:

a) a Government; or

b) a *public body*

while so employed or engaged if notice of the carrying out of the activity or duty has been given to *Council* beforehand or, if that is impracticable, as soon as possible after it has been carried out.

- (3) Nothing in this Local Law prevents:
  - (a) a member, officer or employee of:
    - (i) the Commonwealth or Victorian Government;
    - (ii) the Victoria Police;
    - (iii) the *Fire Brigade*;
    - (iv) the Ambulance Service - Victoria;
    - (v) any first-aid or emergency service organisation;
    - (vi) any military or civil-defence force;
    - (vii) a *public body*;
    - (viii) a *service provider*, or

- (ix) any contractor engaged by *Council* or any employee or sub-contractor of that contractor while so engaged in those duties;

from performing any of the duties he or she is lawfully entitled or required to perform.

- (4) *Council* may *prescribe* a specified activity, *area*, *premises* or *person* or a class of any of them to be exempt from a provision of this Local Law for a specified time and on a specified condition.
- (5) Anything in this Local Law relating to an *animal* in general or a dog in particular does not prevent:
  - (a) a blind or deaf *person* being entitled at all times and all places to be accompanied by an assistance dog; or
  - (b) a *member of the police* in charge of a police dog or horse from carrying out police duties.

## **Definitions**

1.8

- (1) In this Local Law, unless the context suggests otherwise:

**"Advertisement"** includes any letter, figure, symbol, device, poster, sign, banner or message used for or capable of notifying:

- (a)
  - (i) the existence of; or
  - (ii) promoting the *sale* or use of;  
any *goods* or services
- (b) the holding of an event or function; or
- (c) where or when:
  - (i) those *goods* or services are obtainable; or
  - (ii) the event or function is being held.

**"Allow"** includes cause, permit or suffer.

**"Animal"** carries the ordinary meaning of animal but also includes a *bird*, a dog, a cat, a pig, cattle, a horse, sheep, a goat, poultry, rabbit, ferret, a reptile and an insect, but does not include a fish, turtle, tortoise or frog.

**"Approved Form"** means a form in the form or to the effect of Schedule 4 or any other form approved by *Council* from time to time.

**"Authorised officer"** means a *person* appointed by *Council* to be an authorised officer under section 224 of the Local Government Act 1989.

**"Barbeque"** means a structure, device or contraption:

- (a) designed or constructed for the primary purpose of cooking food in the open air for human consumption and includes an outdoor pit oven; and
- (b) which is being used for the purposes of cooking food or preparatory or subsequent to cooking it; and
- (c) Where the fuel, fire embers, or direct flame is contained within the structure, device or contraption and is not able to be adversely influenced or dispersed by natural wind or breeze.

**"Battery cage"** includes a type of wire and metal mesh *poultry* cage divided into compartments (whether standing on wheels or not) and comprising one or more tiers (and whether mobile or not capable of being moved or carried from one position to another).

**"Bird"** includes *poultry*.

**"Bird enclosure"** means an immobile enclosed structure used for the purpose of keeping *birds* (including any fowl run or fowl pen which may be attached to such structure) and includes a *battery cage*.

**"Bird litter"** includes wood shavings, tan bark, straw or dry grass clippings and other suitable clean litter.

**"Building"** includes a part of a building.

**"Building site"** means any *land* on which building or excavation works are being, or are proposed to be, carried out.

**"Building Site Code"** means the Building Site Code adopted by *Council* from time to time and published on *Council's* website.

**"Building works"** means work for or in connection with the construction of a residential dwelling or any related excavation works.

**"Clothing Recycling Bin Policy"** means the Clothing Recycling Bin Policy adopted by *Council* from time to time and published on *Council's* website.

**"Council"** means Whittlesea City Council.

**"Council land"** means all *land*:

- (a) owned, leased, managed or occupied by *Council*; or
- (b) vested in or under the control of *Council* or which it has a duty to maintain.

**"Delegate"** means:

- (a) any member of *Council's* staff to whom a delegation has been made pursuant to section 98 of the Local Government Act 1989; or
- (b) a special committee to which a delegation has been made under section 86 of that Act

for the purposes of this Local Law.

**"Derelict vehicle"** includes a motor vehicle which is incomplete, damaged, or out of repair to such an extent as to be unable to move by its own power.

**"Footpath Trading Policy"** means the Footpath Trading Policy adopted by *Council* from time to time and published on *Council's* website.

**"Garbage/Recyclables/Garden Waste"** means, unless the context suggests otherwise:

- (a) *garbage*, being all refuse and rubbish except night soil, sewage, toxic chemicals, liquid waste and waste prescribed under the *Environment Protection (Industrial Waste Resource) Regulations 2009*;
- (b) *recyclables*, which includes, plastic bottles and containers, aluminium cans and foil, steel cans, glass bottles and jars, liquid paperboard cartons, paper, cardboard or other materials in respect of which *Council* gives public notice from time to time;
- (c) *paper waste*, which includes newspapers, magazines, brochures, pamphlets or other materials in respect of which *Council* gives public notice from time to time; and
- (d) garden waste, which includes grass, leaves, branches that are under 150 millimetres in diameter and weeds which are not noxious weeds.

**"Goods"** includes food.

**"Graffiti"** includes any detrimental, objectionable or offensive writing, depiction, painting or other defacement applied to the surface or surfaces of any *premises* or an adjoining *public place* or *road*.

**"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 anything;
- (b) not licensed or otherwise subject to control under the provisions of any other *legislation*; and
- (c) not a *barbeque*.

**"Land"** means any land whether publicly or privately owned, and includes *buildings* and other structures temporarily or permanently fixed to the land.

**"Legislation"** includes subordinate legislation as defined in the Interpretation of Legislation Act 1984.

**"Member of the police"** means a sworn member of the Victoria Police.

**"Municipal district"** means the municipal district of *Council*.

**"Nature Strip"** means the public land located between a private property boundary of *land* and the kerb, but excludes the footpath and vehicle crossing where one exists.

**"Non-urban zone"** means a zone specified as such in the *Planning Scheme*.

**"Notice to Comply"** means a notice generally in the form or to the effect of Schedule 2.

**"Occupier"** includes a *person* having control or management of *land*, whether alone or with other people.

**"Open fire"** means a fire in a place other than in a permanent structure, *barbeque* or *incinerator*.

**"Owner"** in relation to *land* or *premises* means:

- (a) the *person* rated or liable to be rated in respect of that *land* or those *premises* in relation to any general rate declared by *Council*; or
- (b) if the *land* is or the *premises* are so not rated or liable to be rated, the *person* who is the owner as defined in section 3 of the Local Government Act 1989.

**"Park"** has same meaning as in the Road Safety Road Rules 2009.

**"Pathway"** has same meaning as in the Road Management Act 2004.

**"Penalty unit"** has the meaning as defined by section 110 of the Sentencing Act 1991.

**"Permit"** when used as a noun (except in clause 2.15(d) or where the word is used specifically in relation to another piece of *legislation*) means a permit in writing granted under the provisions of this Local Law.

**"Permit-holder"** means the *person* to whom clause 2.5 applies.

**"Person"** includes a body corporate, an association incorporated under the Associations Incorporation Reform Act 2012, a partnership and an unincorporated association.

**"Person in charge"** means:

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

**"Place"** when used as a verb includes *allow* to remain.

**"Planning Scheme"** includes:

- (a) the Whittlesea Planning Scheme; and
- (b) any planning scheme operating in a part of the area in which this Local Law operates and in the part in which the particular activity in question takes place.

**"Poultry"** includes a fowl, duck, goose, turkey, quail and pigeon and any other class of poultry.

**"Premises"** includes the whole or part of any:

- (a) *land*;
- (b) *building*; or
- (c) *building* under construction; or
- (d) wall or fence

(whether or not a *public place*).

**"Prescribed"** means:

- (a) decided or specified by *Council*; and
- (b) the details of which are published on *Council's* website.

**"Procession"** and **"street festival"** means an organised group of people gathering on or proceeding along a *road* for the purposes of a ceremony or function and includes a Fun Run and bicycle event.

**"Proprietor"** when used in relation to a *vehicle* or thing means the *owner*, *occupier*, lessee, licensee, manager or any other *person* in control or charge of the *vehicle* or thing.

**"Public Car Park"** means area accessible to the general public, for the purpose of parking a *vehicle*.

**"Public Place"** has same meaning as in the Summary Offences Act 1966 and includes any place *prescribed* by *Council* as a public place but does not include an interior part of a *building* which part is not occupied by *Council* or a *public body* unless that part has been *prescribed* by *Council*.

**"Repair"** means to fix something that is damaged, broken, split, or not working properly.

**"Reserve"** includes any *land*:

- (a) which *Council prescribes* to be a *reserve* for the purposes of this Local Law; or
- (b) purchased or leased by or otherwise provided to or managed or controlled by *Council* for a recreation, conservation, horticultural, cultural or entertainment purpose.

**"Road", "Road reserve", "Roadside" and "Roadway"** each have the same meaning as in the Road Management Act 2004.

**"Roadside Management Strategy"** means the Roadside Management Strategy adopted by *Council* from time to time and published on *Council's* website.

**"Rural Zone"** means land zoned rural under the *Planning Scheme*.

**"Sell"** includes:

- (a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or *allow* to be sold or offered for sale; and
- (b) sell for re-sale.

**"Service provider"** means:

- (a) a *public body*; or
- (b) a corporation authorised by *legislation* to provide telecommunications, gas, electricity or water or facilities for any of them or of sewerage drainage facilities.

**"Shopping trolley"** means a receptacle on wheels usually supplied by a retailer of *goods* to enable customers to transport those *goods* either inside or outside its *premises*.

**"Street party"** means an organised social gathering which is held on a *road reserve*.

**"Toy vehicle"** means a *vehicle* (other than a bicycle) usually used by a child to play with and designed to be propelled by human power and includes a child's tricycle, scooter, pedal car, skate-board, roller skates, roller blades and similar toys.

**"Trade Waste Skip"** includes any receptacle used for the storage of waste generated by industrial or commercial activity, building or construction work, landscaping or building renovation.

**"Trailer"** means a *vehicle* that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

**"Trolley"** includes a *shopping trolley*.

**"Unightly land"** means *land* which is visually repugnant (whether or not it can be seen from a *public place*), including *land* which contains one or more of the following things or features or similar things or features:

- (a) unconstrained rubbish, such as paper, cardboard, styrene pieces, plastic bags, plastics, rags, second-hand containers or household refuse;
- (b) second-hand timber or second-hand building materials;
- (c) discarded, surplus or abandoned solid or liquid materials;
- (d) graffiti on exterior walls or fences;

- (e) overhanging vegetation which has not been cut back to the property line and to a height of 3 metres;
- (f) grass and weeds longer than 300mm on *land* less than 4,000 square metres;
- (g) more than two unregistered, un-roadworthy, disassembled, incomplete or deteriorated vehicles;
- (h) machinery or vehicle parts which has been stored on the *land* for more than 30 days out of 60 days in total and which constitutes a detriment to the appearance of the surrounding area;
- (i) flammable material, solid or liquid likely to assist the spread of fire or constitute a fire hazard; or
- (j) anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area.

**"Urban Nature Strip Guidelines"** means the Urban Nature Strip Guidelines adopted by *Council* from time to time and published on *Council's* website.

**"Urban Zone"** means *land* zoned urban under the *Planning Scheme*.

**"Vacant Land"** means *land* which is *unoccupied*.

**"Vehicle"** means a conveyance which is designed to be or is propelled or drawn by any means, but does not include a train, tram, wheelbarrow, *shopping trolley*, *toy vehicle* or wheel-chair.

**"Vehicle Crossing"** means that area designed to facilitate the entry of *vehicles* onto, and the exit of *vehicles* from, adjacent *land*, being an area extending from the property line of the *land* to the nearest point of the adjacent *roadway*.

**"Waste"** when used as a noun includes any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid).

**"Waste Management Code"** means the Waste Management Code adopted by *Council* from time to time and published on *Council's* website;

- (2) Without affecting Clause 1.8(1) or the application generally of the Interpretation of Legislation Act 1984 to this Local Law, a word appearing in italics in the body of this Local Law and which is not specifically defined in Clause 1.8(1) or in the Part of the Local Law in which it appears (as the case may be):
  - (a) if it is "*Chief Executive Officer*" or "*public body*", has the meaning of that word as defined in Section 3(1) and (2) Local Government Act 1989; and
  - (b) otherwise, has the meaning of the word as defined in Section 38 Interpretation of Legislation Act 1984.
- (3) Even though it might be expressed as being restricted in the extent of its application, a definition in this Local Law also applies to any Schedule, form or standard applying to or relevant to the portion of the Local Law to which the definition applies.

- (4) A reference to a *person* by way of that *person's* position with *Council* includes a *person*:
- (a) authorised to carry out the powers, duties and functions of that position at *Council*;
  - (b) acting in that capacity; or
  - (c) if that position in *Council* ceases to exist, any *person* exercising any power, duty or function which was previously a power, duty or function of the previous position.

### **Revocation of Local Law**

- 1.9 From the commencement of operation of this Local Law, General Municipal Law (No. 1 of 2008) is revoked and will cease to operate.

- NB: #
- \* Where a word used in this Local Law is subject to a definition that word is put into italics.
  - \*\* Some words in italics are the subject of specific definition in this Local Law. Other words are not. The meanings of those other words may be affected by the *Interpretation of Legislation Act 1984*, *Local Government Act 1989* and other legislation.
  - \*\*\* At the date of printing this Local Law, 1 penalty unit equals \$100.

## PART 2

### PROCEDURAL

#### **Permits and applications for them**

- 2.1 Wherever in this Local Law a *permit* is required, *Council* may grant or refuse to grant the *permit* or grant it subject to conditions.
- 2.2 (1) An application for a *permit* must be:
- (a) made and lodged with *Council* and include the following particulars:
    - (i) the name and address of the applicant;
    - (ii) the capacity in which the applicant makes the application;
    - (iii) a statement of the purpose for which the *permit* is sought;
    - (iv) the location of the proposed activity;
    - (v) the day and the time when the proposed activity is to take place and its expected duration;
    - (vi) the signature of the applicant or a *person* authorised to sign for and on behalf of the applicant; and
    - (vii) such other particulars as *Council* may require;
  - (b) true and correct; and
  - (c) forwarded to the *person* or office described on the application form with a fee in the amount as is fixed by *Council*.
- (2) If required to do so by *Council*, an applicant must provide additional information before *Council* processes an application for a *permit*.
- (3) If required to do so by *Council*, an applicant for a *permit* must give notice of that application or invite any *person* to make a submission or do both.
- 2.3 In considering an application for a *permit* *Council* must consider:
- (a) any policy or guideline adopted by *Council* relating to the subject matter of the application for the *permit*;
  - (b) any *written* objection or *written* submission received in respect of the application;
  - (c) any *written* comment made in respect of the application by any *public body* or community organisation; and
  - (d) any other relevant matter.

- 2.4 A *permit* may include any condition which *Council* considers to be reasonable and appropriate (having regard to the activity authorised by the *permit* and the effects or anticipated effects of that activity), including:
- (a) a requirement that a security deposit or bond or a release, indemnity or guarantee (in any form specified) be lodged with *Council* to secure the proper performance of the *permit*;
  - (b) a requirement that notice be given to *Council* as to when the activity authorised by the *permit* will be carried out or will occur;
  - (c) a time limit on the *permit* and on the activity authorised by it;
  - (d) provision for extension of the *permit*;
  - (e) a condition that the *permit* runs with or attaches to the *land* in respect of which the activity is authorised by the *permit*;
  - (f) the payment of a fee or charge;
  - (g) a standard to be applied;
  - (h) that the permit is conditional on the happening of a certain event or prerequisite;
  - (i) that the permit is conditional upon the rectification, remedying or restoration of any situation or circumstance; or
  - (j) where the applicant is not the owner of the relevant land, the consent of the owner.

2.5 Unless otherwise stated in the *permit*, a *permit*:

- (a) is personal and authorises only the *person* named in the *permit* or, failing that, the applicant to carry out the activity authorised by the *permit*; and
- (b) is not transferable without *Council's* consent.

### **Compliance with permits**

2.6 Every *person* to whom a *permit* is granted must do every act and thing as may be necessary to ensure compliance with the *permit* and its conditions.

## **Correction, amendment, cancellation and suspension**

2.7

- (1) *Council* may correct a *permit* if the *permit* contains:
- (a) a clerical mistake or an error arising from any accident, slip or omission; or
  - (b) a material miscalculation of figures or a material mistake in the description of any *person*, *land* or *premises*, thing or property referred to in the *permit*.
- (2) *Council* may cancel, suspend or amend any *permit* at any time if:
- (a) it is requested to do so by the permit-holder; or
  - (b) it considers that there has been:
    - (i) a material mis-statement or concealment of fact in relation to the application for the *permit*;
    - (ii) any material mistake in relation to the issue of the *permit*; or
    - (iii) any material change of circumstances which has occurred since the grant of the *permit*.
- (3) *Council* may cancel or suspend a *permit* at any time if satisfied that there has been a substantial failure to comply with a *permit* condition or a *Notice to Comply* relating to the *land* or *premises*, item or activity to which the *permit* relates.

## **General permit provisions**

- 2.8 The holding of a *permit* or compliance with a condition included in a *permit* does not of itself relieve the *permit-holder* from:
- (a) compliance with any other *legislation* with respect to the subject matter of the *permit*; or
  - (b) liability for any damage sustained by any other *person* as a result of an activity undertaken by or on behalf of the *permit-holder* pursuant to the *permit*.
- 2.9 A *person* applying for a *permit* or amendment of a *permit* must not make or allow to be made any false representation or declaration in or in relation to that application or *permit*.
- 2.10 Except where expressly stated in this Local Law or in a *permit*, the *permit* will operate from the date it is granted and will expire on the following 30 June.

## **Powers of Council**

- 2.11 Without affecting the operation of any particular provision of this Local Law, everything an *authorised officer* or any other specified *person* is capable of doing under this Local Law is also capable of being done by *Council* or its *delegate*.

## **Notice of impounding**

- 2.12 Where a thing is impounded pursuant to this Local Law:
- (a) an *authorised officer* must serve on the person from whose custody or control the thing was impounded or a person who appears to be the owner of the thing a notice of the impounding;
  - (b) the notice of impounding must be in the form or to the effect of Schedule 3 unless another form is used by *Council*;
  - (c) if, within 14 days of the impoundment, the thing is claimed by the person on whom notice of impounding was served or an agent of that person and there is paid to *Council* any fee determined in accordance with clause 2.13, the thing must be surrendered to that person;
  - (d) if 14 or more days elapse from the impoundment of the thing, and the thing is not surrendered to any person in accordance with sub-clause (c), *Council* may:
    - (i) destroy the thing;
    - (ii) give the thing away; or
    - (iii) sell the thing by auction, public tender or private sale.

## **Fees**

- 2.13
- (1) *Council* may by resolution determine fees and charges for the purposes of this Local Law.
  - (2) Such resolution may allow the waiver, reduction or deferral of a fee in whole or in part with or without conditions.
  - (3) Despite sub-clause (2), *Council* may waive the fee for a *permit* in a particular case.

## **Enforcement**

- 2.14 Without affecting any provision entitling any other *person* to do so, this Local Law may be enforced by an *authorised officer*.

## **Offences and Penalties**

- 2.15 A *person* who:

- (a) does not do anything required to be done or does anything forbidden to be done by or under this Local Law;
- (b) allows any act or omission which is a contravention of this Local Law;
- (c) contravenes a *permit* or a condition included in a *permit*; or
- (d) is the *owner* or *occupier* of any *land* (other than a *road* or *land* owned or occupied by *Council*, the Commonwealth or Victorian Government or a *public body*) or the *proprietor* of a *vehicle* in relation to which a contravention of this Local Law occurs

is guilty of an offence against this Local Law, and liable to a penalty not exceeding that specified in Schedule 7 or, if no penalty is specified in Schedule 7:

- (i) 10 *penalty units* for a first offence; and
- (ii) 20 *penalty units* for a second or subsequent offence.

### **Notices to comply and directions**

2.16

- (1) *Council* or an *authorised officer* may, by *Notice to Comply* in the form or to the effect of Schedule 1, direct a *person* to comply with any clause of this Local Law where there is a non-compliance by that *person* or in respect to any *land*, thing or property of which that *person* is the *owner*, *occupier* or *proprietor*.
- (2) Without affecting the generality of sub-clause (1) or clause 2.11 *Council* may give a *Notice to Comply*, direction or notice in any circumstances in which any other *person* is entitled to do so.
- (3) A *person* must comply with any *Notice to Comply*, direction or notice directed to him or her.

### **Infringement notices**

2.17

- (1) Where an *authorised officer* believes that a person has committed an offence against this Local Law, the *authorised officer* may:
  - (a) as an alternative to a prosecution for the offence, issue an infringement notice in the form prescribed by the Infringements Act 2006 specifying the fixed penalty; and
  - (b) serve or cause the infringement notice to be served on that *person*.
- (2) The amount fixed and to appear on an infringement notice is specified in Schedule 7.

### **Expiation of fine avoids prosecution**

- 2.18 In order to avoid prosecution, a *person* who is served with an infringement notice must pay the fixed penalty to the *Chief Executive Officer of Council* at the Civic Centre, 25 Ferres Boulevard, South Morang, 3752 within 28 days after the date of the infringement notice.

### **Serving infringement notices**

- 2.19
- (1) In addition to section 234 of the Local Government Act 1989, any infringement notice to be served on a *person* under this Local Law may be served on the *person* by:
    - (a) delivering the notice to the *person*;
    - (b) leaving the notice at that *person's* usual or last known place of residence or business with a *person* apparently not less than 16 years old and apparently residing or employed at that place;
    - (c) sending the document by post addressed to the *person* at that *person's* last known registered place of residence or business; or
    - (d) where the offence involves a *vehicle*, placing it on or attaching it to the *vehicle*.
  - (2) Where an infringement notice is directed to a *person* who is the *owner or occupier of land or premises* or the *proprietor of a vehicle* and that *person's* name is not known the notice issued under this Local Law may be addressed to "the owner", "the occupier" or "the person in control" (as the case may be).
  - (3) An *authorised officer* may withdraw the infringement notice within 28 days after its date by sending a notice to the *person* on whom the infringement notice was served. The notice may be sent or given in the same way as the infringement notice was served.
  - (4) If an infringement notice is withdrawn but before it is the *person* pays the penalty, the *person* is entitled to a refund of the penalty.
  - (5) If the *person* pays the penalty within the time specified in the notice and the infringement notice is not withdrawn or, if an *authorised officer* allows, before a charge and summons is served on the *person* in respect of the infringement, the following provisions apply:
    - (a) further proceedings for an offence are not to be taken against the *person*; and
    - (b) there is to be no conviction recorded against that *person* for the infringement.
  - (6) A penalty paid under this clause must be applied as if the *person* who paid it was convicted of the infringement in a Magistrates' Court on a charge laid by the *authorised officer*.

- (7) If a *person* served with an infringement notice has not paid the penalty within the time specified in the notice or an infringement notice is withdrawn, proceedings may still be taken or continued for the infringement.
- (8) Sub-clause (5) does not affect the obligation of the *person* to pay monies pursuant to clause 2.21 of this Local Law or section 225 of the Local Government Act 1989 and proceedings may be taken to recover such amount.

### **Evidence of service**

- 2.20 A statutory declaration by a *person* who has served or given a notice or direction in accordance with this Local Law stating the manner, place, date and time the notice or direction was served or given is evidence of the notice or direction having been served or given as described in that declaration.

## **Compliance with directions and notices**

2.21

- (1) Where:
- (a) a *Notice to Comply* or other notice or direction is served or given pursuant to this Local Law;
  - (b) section 225 of the Local Government Act 1989 does not apply; and
  - (c) the *person* served with or given the *Notice to Comply* or other notice or direction fails to give effect to it

*Council* or any other *person* with the approval of *Council* may cause the obligation to be complied with.

- (2) *Council* or the *person* who complies with the obligation may recover the cost of doing so from the *person* who failed to do it.

## **Direction of traffic**

2.22

- (1) For the purpose of enforcing:
- (a) the Road Safety Act 1986 or any other regulation made under the Act; or
  - (b) this Local Law

or if special circumstances so require, an *authorised officer* may give directions for the passage of traffic.

- (2) A *person* must comply with any directions given under sub-clause (a) unless contrary directions are given by a *member of the police*.

## PART 3

### RESERVES

#### **Vehicular access to reserves**

- 3.1 Unless with the written consent of *Council*, an *owner* or *occupier* of any *land* abutting a *reserve* must not install or use a gateway for vehicular access which services or otherwise provides a means of access to or from the *reserve*.

#### **Motorised vehicles**

- 3.2 Unless with the written consent of *Council*, a *person* must not ride, drive, *park* or otherwise use any motorised *vehicle* in or on a *reserve*.

#### **Games and sport**

- 3.3 Unless with the written consent of *Council*, a *person* must not in any *reserve* engage in, play or practise any game, activity or sport which may interfere with the use or enjoyment of the *reserve* by any other *person* or the safety of that other *person*.

#### **Damage to reserves**

- 3.4 A *person* must not willfully damage or disfigure *Council* assets within public open space or a *road* controlled by *Council*.

#### **Protection of Council Trees**

- 3.5 Unless with the written approval of *Council*, a *person* must not:
- (a) interfere with any tree in a *reserve* or on a *Road reserve*; or
  - (b) plant any tree or shrub in a *reserve* or on a *Road reserve*.

## PART 4

### FIRE SAFETY

#### **Fire hazards**

4.3

- (1) An *owner* or *occupier* of residential, commercial or industrial *land* or any *vacant land* must ensure that:
  - (a) all necessary steps are taken to prevent fire on, and minimise the possibility of spread of fire from, that *land*;
  - (b) the *land* is kept free of *material* or *substance* likely to assist the spread of fire or constitute a fire hazard;
  - (c) any grass, stubble, weeds, scrub, undergrowth or other like material on the *land* does not generally exceed 30 centimetres in height; and
  - (d) the *land* does not have emitting from it any form of air pollutant, including dust, grit, ashes, live embers, soot or smoke.
- (2) For the purpose of this sub-clause (1) "*material* or *substance*" includes undergrowth, scrub, bracken, fern, weed, stubble and grass (whether alive or dead and whether standing or not standing).
- (3) Where an *authorised officer* is of the opinion that *material* or *substance* on *land* assists the spread of fire, or constitutes a fire hazard or is likely to do so, he or she may serve a *Notice to Comply* on the *owner* or *occupier* of the *land*.
- (4) *Council* may enter *land* and remove flammable material in immediate danger of a fire and recoup any costs incurred in carrying out such removal from the *owner* or occupier of the *land*.

#### **Dangerous land**

4.2

An *owner* or *occupier* of *land* must not *allow* the *land* to be kept in a manner which is dangerous or likely to cause danger to life or property.

#### **Incinerators and open fires**

4.3

- (1) A *person* must not light or *allow* to be lit or remain alight any *incinerator*.
- (2) Subject to sub-clause (3), a *person* must not, without a *permit*, light or allow to be lit or remain alight any *open fire* unless the fire is to be used for the purpose of cooking food, in which case the activity must not cause a nuisance to any person.

- (3) Sub-clause (2) does not apply to private property greater in area than 0.8 hectare if it is in a *non-urban zone* under the *Planning Scheme*.

### **Burning of offensive material**

- 4.4 A *person* must not burn or *allow* to burn any offensive material or substance which contains:
- (a) food *waste*, fish or other offensive or noxious matter;
  - (b) any rubber or plastic;
  - (c) any petroleum or oil;
  - (d) any paint or receptacle which contains or which contained paint; or
  - (e) any manufactured chemical.

### **Wood heaters**

- 4.5 A *person* must not use a wood heater in a manner which causes a nuisance to any *person*.

### **Outdoor ovens**

- 4.6 A *person* must not use an outdoor oven in a manner which endangers property or causes a nuisance to any *person*.

## PART 5

### THE ENVIRONMENT

#### **Camping**

- 5.1 Unless in accordance with a *permit*, a *person* must not camp in a tent, caravan, mobile home or motor vehicle or other temporary or makeshift structure on *Council land* or *vacant land* or in a *public place*.

#### **Caravan occupation**

- 5.2
- (1) Unless in accordance with a *permit*, a *person* must not use a caravan or mobile home for the purpose of habitation.
  - (2) Sub-clause (1) does not apply to the use of a caravan in a *Council* registered caravan park.

#### **Unsightly land and buildings**

- 5.3 An *owner* or *occupier* of any *land* must not *allow* the *land* or any buildings located on the *land* to be kept in a manner which is *unsightly*, dangerous or detrimental to the general amenity of the neighbourhood in which it is located.

#### **Storage of machinery or second hand goods on property**

- 5.4 Without a *permit* or unless permitted under the *Planning Scheme*, a *person* must not use any *land* for the storage of machinery or second hand *goods* of any kind or for the assembly or dismantling of such machinery or *goods*.

#### **Signs**

- 5.5
- (1) *Council* may, by a notice or sign established as the case may require, prohibit or regulate any use of *Council land* and the conduct of a *person* on that *Council land*.
  - (2) A *person* must not act contrary to, nor remove or deface, any such notice or sign.

#### **Pest plants**

- 5.6
- (1) When required by an *authorised officer* to do so, an *owner* or *occupier* of *land* must eradicate from those *premises* any plant listed in sub-clause (2) or any other plant *prescribed* by *Council* as a pest plant unless to remove it is prohibited by the *Planning Scheme*.
  - (2) The following plants are pest plants:
    - Blackberry (*Rubus fruticosus* agg.)
    - Artichoke Thistle (*Cynara cardunculus*.)

- Chilean Needle Grass (*Nassella neesiana*)
- Furze/Gorse (*Ulex europaeus*)
- Patterson's Curse (*Echium plantagineum*)
- Scotch Heraldic Thistle (*Onopordum acanthium*)
- Serrated Tussock (*Nassella trichotoma*)
- Sweet Briar (*Rosa rubiginosa*)
- Spear Thistle (*Cirsium vulgare*)
- Variegated Thistle (*Silybum marianum*)
- St John's Wort (*Hypericum perforatum*)
- Ragwort (*Senecio jacobaea*)

### **Damage caused by trees or plants**

- 5.7 An owner or occupier of land must not allow a tree or plant on that land to cause damage to or interfere with Council land or anything on Council land.

### **Wasps and Bees**

- 5.8 An owner or occupier of any land on which has been detected a wasp nest or a bee swarm must not allow that wasp nest or bee swarm to remain on the land.

### **Waste and recycling**

- 5.9 An occupier of land to which Council provides a garbage/ recyclables/ garden/ hard waste collection service must comply with the Waste Management Code.

### **Trade waste skips**

- 5.10
- (1) Unless in accordance with a permit, a person must not place a trade waste skip on a road, roadside, reserve or other Council land.
  - (2) A person must not cause any obstruction or danger to any person or vehicle when placing a trade waste skip on a road, pathway, roadside, reserve or other Council land.
  - (3) A person who has placed a trade waste skip on Council land must repair any damage to any:
    - (a) vehicle crossing;
    - (b) road;
    - (c) pathway;
    - (d) kerb;
    - (e) roadside;
    - (f) reserve; or
    - (g) drain -

that results from the placement or removal of the trade waste skip on the Council land or the emptying of the trade waste skip.

- (4) Council or an authorised officer may impound any trade waste skip which:

- (a) is placed on any *Council land* contrary to a *permit* issued under sub-clause (1);
  - (b) endangers or obstructs any person or *land* contrary to sub-clause (2); or
  - (c) is emptied contrary to a *permit* issued under sub-clause (1).
- (5) Any *trade waste skip* impounded under sub-clause (4) must be dealt with under clause 2.12 of this Local Law.
- (6) In addition to complying with the provisions of this Local Law, any *person* placing a *trade waste skip* on any *road* must comply with all relevant Code of Practice applying to such placement and published on *Council's* website.

### **Screening of Bins and Skips**

5.11 *Council* or an *authorised officer* may, by notice in writing, direct the *owner* or *occupier* of *land* to:

- (a) install;
- (b) repair;
- (c) replace; or
- (d) modify -

a fence or other means of screening a garbage/recycling receptacle or *trade waste skip* on the *land* from public view if *Council* or an *authorised officer* forms the opinion that the *garbage/recycling/garden waste* receptacle or *trade waste skip* is *unsightly*, dangerous, or detrimental to the general amenity of the neighbourhood in which it is located.

### **Noise**

5.12 Unless in accordance with a *permit*, a *person* must not, on *Council land* or in any *public place*, play, control, operate or use a loud speaker, amplifier, microphone, wireless receiving set, broadcasting set or other like device capable of being used for making or amplifying sounds or noise so as to interfere with the quiet enjoyment of any other *person* using the *Council land* or *public place*.

**PART 6****ANIMALS****Keeping animals**

6.1

- (1) Unless in accordance with a *permit*, an *owner* or *occupier* of *land* must not keep or *allow* to be kept more than 4 different types of *animals* on that *land* at any time and must not keep or *allow* to be kept any more in number of each type of *animal* than as set out in the following table:

Type of Animal	Maximum Allowed on land less than 4,000 sq metres	Maximum Allowed on land between 4,000 sq metres & 20,000 sq metres
Dogs	2	4 and
Cats	2	2 and
Horses & Donkeys	Nil	1 per 10,000sq metres or part thereof; or
Cattle	Nil	1 per 10,000sq metres or part thereof; or
Sheep	Nil	2 per 10,000sq metres or part thereof; or
Goats	Nil	2 per 10,000sq metres or part thereof; or
Pigs	Nil	Nil

and must not, in any event, keep or *allow* to be kept on that *land* more than 4 different types of *animal*.

- (2) Sub-clause (1) does not apply where a permit under the *Planning Scheme* has been issued for the keeping of such *animals*.
- (3) Despite the provisions of sub-clause (1) an *authorised officer* may *allow* a greater number of *animals* to be kept on *land*.
- (4) This clause does not apply to land in a *non-urban zone*.

**Litters of animals**

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

### **Animal nuisance**

- 6.3 An *occupier* of any *land* on which an *animal* (except a *bird*) is kept must ensure that:
- (a) any *animal* enclosure or *animal* shelter is maintained so as to not give rise to any condition likely to be offensive, dangerous to health, *unsightly* or a nuisance;
  - (b) any *waste* food, excrement or other matter is not left in such place or manner or for such a time that it may be likely to become offensive, harmful to health or dangerous or likely to attract or harbour rodents or other vermin; and
  - (c) any dead *animal* is immediately disposed of to the satisfaction of an *authorised officer*.

### **Animal excrement**

- 6.4 A *person* in charge of an *animal* must not allow any excrement from that *animal* to remain:
- (a) on any *Council land*;
  - (b) in a *public place*; or
  - (c) on any private property without the consent of the property's owner or *occupier*.

### **Animal noise**

- 6.5 An *owner* or *occupier* of *land* must take all necessary steps to prevent any objectionable noise from any *animal* on that *land* if the noise may adversely affect the comfort, convenience or privacy of any other *person* in the locality.

## PART 7

### BIRDS

#### **Numbers of poultry that may be kept**

##### 7.1

- (1) Unless the area of the *land* is 0.2 hectares or more, a *person* must not keep or *allow* to be kept on any *land*:
  - (a) any live *poultry* except in a *bird enclosure*; or
  - (b) more than 2:
    - (i) drakes; or
    - (ii) ducks; or
    - (iii) turkeys; or
    - (iv) geese; or
  - (c) more than 10 head of chicken hens unless in accordance with a *permit*.
- (2) A *person* must not keep or *allow* to be kept in any *bird enclosure* a number of *poultry* greater than one for every 0.5 square metres of floor area.
- (3) For the purpose of sub-clauses (1) and (2), 3 pigeons or 3 quail or 1 pigeon and 2 quail or 2 pigeons and 1 quail equal 1 head of *poultry*.
- (4) Sub-clause (1) does not apply where a planning permit under the *Planning Scheme* has been issued for the keeping of *birds*.
- (5) Sub-clauses (1) – (4) (inclusive) do not apply to *land* in a *non-urban zone*.
- (6) Unless with the consent of Council, a person must not keep or allow to be kept any roosters on any land in an urban residential area.

#### **Siting of bird enclosures**

##### 7.2 An occupier of *land* must ensure that any *bird enclosure* on such *land* is:

- (a) of a height not exceeding 2.4 metres;
- (b) at least 3 metres from the boundary of any adjoining *land*; or
- (c) located to the satisfaction of the *authorised officer*.

### **Construction of bird enclosures**

7.3 An *occupier* of *land* must ensure that any *bird enclosure* on the *land* is roofed and free of vermin.

### **Bird health**

7.4 An *occupier* of *land* on which a *bird* is kept must ensure that:

- (a) any *bird enclosure* or *bird cage* on the *land* is maintained so as not to give rise to any condition likely to be offensive, dangerous to health, *unsightly* or a nuisance;
- (b) any *waste* food or other matter on the *land* is not left in such place or manner or for such a time that it may be likely to become offensive, injurious to health or dangerous or likely to attract or harbour rodents or other vermin; and
- (c) any dead or diseased *bird* on the *land* is immediately disposed of to the satisfaction of an *authorised officer*.

### **Storage of food**

7.5 A *person* must not keep or store or *allow* to be kept or stored on any *land* where *birds* are kept any food for consumption by *birds* unless the food is kept or stored in a vermin proof receptacle.

### **Certain premises exempted**

7.6 Clauses 7.1 – 7.5 (inclusive) do not apply to *land* used for commercial *poultry* keeping, *poultry* killing, processing and sales when so exempted in part or in whole in writing by *Council*.

## PART 8

### PUBLIC SAFETY

#### **Transportation of waste**

- 8.1 A *person* must not convey or *allow* to be conveyed in any *vehicle* on any *road*, any manure, dead *animal* or remains, offal, bone, hide, skin, offensive matter, *rubbish* or other *waste* matter unless the *vehicle* is constructed, fitted, loaded and covered so that:
- (a) no:
    - (i) leakage occurs onto; or
    - (ii) other material is dropped or deposited on any *road* or adjacent area from the *vehicle*; and
  - (b) the escape of odours is reduced so as not to be offensive to the public.

#### **Dumping of refrigerators or similar containers**

- 8.2 A *person* must not *place*, leave or *allow* to remain a disused refrigerator, ice-chest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of approximately 0.04 cubic metres or more on any *land* unless first:
- (a) every door and lid is removed;
  - (b) every lock, catch and hinge attached to a door or lid is removed; or
  - (c) every door and lid is otherwise rendered incapable of being fastened.

## PART 9

### USE OF ROADS, PUBLIC PLACES AND RELATED PLACES

#### **Clothing recycling bins**

9.1

- (1) Unless in accordance with a *permit*, a *person* must not *place* or *allow* the *placement* of a *clothing recycling bin* on private land, a *road reserve*, in a *public place* or on *Council land*.
- (2) All applications for the placement of a *clothing bin* must comply with the *Clothing Recycling Bin Policy*.

## PART 10

### MANAGEMENT OF TRAFFIC AND ROADS

#### **Protrusions and overhanging branches**

10.1

- (1) An *owner or occupier of land* must not, on that *land*:
  - (a) *allow* any vegetation or sign to extend over a *pathway* at a height of less than 3 metres; or
  - (b) *allow* any vegetation, sign or structure in any way to constitute a *road interference*.
- (2) In sub-clause (1) "*road interference*" means interference with the unobstructed, safe and fair use of a *road* by people and includes interference with:
  - (a) traffic, including pedestrians and vehicles;
  - (b) traffic control items; and
  - (c) street lighting.

#### **Property numbers to be displayed**

10.2

- (1) For each *premises* that has been allocated a property number by *Council*, the *owner or occupier* of the *premises* must mark the *premises* with such number.
- (2) The number must be:
  - (a) at least 75mm in height for *premises* in urban areas and 150mm for *premises* in rural areas;
  - (b) of a colour which clearly contrasts with the background upon which it is placed;
  - (c) placed in such a position as to be able to be easily read at all times, at a distance of 5 metres; and
  - (d) positioned on the *premises* no further than 0.5 metres inside the front boundary line and immediately adjacent to the primary point of pedestrian or vehicular access to the *premises*.
- (3) Where a *premises* is situated on a corner, the *occupier* of the *premises* must ensure that the number is displayed on the street side to which the *premises* are addressed.
- (4) Where driveway access to the *premises* is not on the street side to which the *premises* are addressed and the *premises* are over 0.8 hectares, the *occupier* of the *premises* must ensure that the street name and number of the *premises* are displayed at the driveway access to the *premises*.

## **Vehicle crossings**

10.3

- (1) An *owner of land* must ensure that each point of *vehicle* access from a *roadway* on a *road* to the *land* has a properly constructed vehicle crossing that is not within 9 metres of an intersection.
- (2) For the purposes of this sub-clause (1), a vehicle crossing is properly constructed if:
  - (a) it was constructed by or in accordance with the terms of an approval by *Council*; and
  - (b) *Council* has approved in writing the method of construction of the particular vehicle crossing.
- (3) An *owner of land* must ensure that each vehicle crossing to that *land* from an adjacent *roadway* or *road* and any channel or pipe under or forming part of that crossing is repaired and maintained to the satisfaction of an *authorised officer*.

## **Permit required for vehicle crossings**

10.4

Unless in accordance with a *permit*, a *person* must not construct, install, remove or alter a vehicle crossing (whether temporarily or permanently).

## **Temporary vehicle crossings**

10.5

- (1) Where:
  - (a) because of the nature, size or weight of a *vehicle* or material which may travel or be carried across a kerb, gutter, *roadside*, *pathway* or vehicle crossing in the course of access or egress between *land* and the *roadway* of a *road* it is likely that damage may be caused to the kerb, gutter, *roadside*, *pathway* or vehicle crossing; or
  - (b) an activity is intended or expected to take place on the *land* making likely an occurrence of the type described in paragraph (a)

the *owner* of the *land* must give written notice to *Council* of that expected activity or occurrence before it occurs.

- (2) Unless in accordance with a *permit*, a *person* must not *allow* entry to or exit from the *land* by such *vehicle* or material referred to in sub-clause (1).
- (3) An *owner* of the *land* must take all reasonable steps to protect the existing kerb, gutter, *roadside*, *pathway*, *roadway* and vehicle crossing at all times during the activity or occurrence.
- (4) The *person* responsible for the activity or occurrence must maintain the *road* adjacent to the *land* in a safe and trafficable condition at all times.
- (5) A *person* who fails to comply with sub-clause (2), (3) or (4) must immediately and to the satisfaction of an *authorised officer* repair any damage caused to the kerb, gutter, *roadside*, *pathway*, *roadway* or *vehicle crossing* or, at the

election of *Council*, pay a charge determined by Council equal to the expense which Council will incur in carrying out the repair or causing the repair to be carried out.

### **Redundant vehicle crossings**

10.6

- (1) Where works on *land* involve the relocation or closure of a point of vehicular access, making, in the opinion of *Council*, any part of a vehicle crossing redundant, to the extent that it is redundant the vehicle crossing must be removed and the kerb, drain, *pathway*, *roadside* or other part of the *roadway* reinstated in accordance with a *permit*.
- (2) If required to do so by *Council*, an *owner* or *occupier* of *land* must:
  - (a) remove any part of or all of a vehicle crossing abutting the *land* for which there is no effective point of *vehicle* access; and
  - (b) reinstate the road-related infrastructure or non-road infrastructure as defined in the Road Management Act 2004.

### **Obstructions on roads and Council land**

10.7

- (1) Unless:
  - (a) in accordance with a *permit*;
  - (b) to do so is specifically authorised by *legislation*;
  - (c) in accordance with law; or
  - (d) with the consent of the *occupier*

a *person* must not make or *place* an *obstruction* or *allow* one to be made, *placed* or exist on any part of a *road reserve* or *Council land*.
- (2) For the purposes of this sub-clause (1) "*obstruction*" includes:
  - (a) a hedge, heap or fence;
  - (b) a ditch, hole or drain;
  - (c) building material;
  - (d) *goods* for sale;
  - (e) a box or other container
  - (f) a table or chair;
  - (g) a board, sign or sandwich board;
  - (h) a bicycle (except in a rank or stand provided by *Council*);

- (i) a pole, post or basketball ring;
  - (j) scaffolding or a stage, crane awning, hoarding or hoist;
  - (k) any prohibited element listed in the *Urban Nature Strip Guidelines*; or
  - (l) any other thing likely to cause an obstruction to any part of the *road reserve* or *land* if left on a *road reserve* or *land*.
- (3) Any *obstruction* contrary to sub-clause (1) may be removed and impounded by *Council* or an *authorised officer*, whether or not a *Notice to Comply* has first been given.
- (4) Without affecting section 225 of the Local Government Act 1989 and clause 10.8, a *person* who has *allowed an obstruction* to be made, *placed* or exist and which has been removed by *Council* or an *authorised officer* must, when called upon by *Council* to do so, pay the cost of such removal to *Council*.

### **Stormwater drainage connections**

#### 10.8

- (1) An *owner of land* must ensure that each stormwater drainage pipe from the *land* to a *Council* drain in the *road reserve* is properly constructed and maintained.
- (2) For the purposes of sub-clause (1) a stormwater drainage pipe is properly constructed if:
- (a) it was constructed by or in accordance with the terms of an approval by *Council*; and
  - (b) *Council* has approved in writing the method of construction of the stormwater pipe.
- (3) An *occupier of land* must ensure that each *stormwater* drainage pipe from the *land* to an adjacent *Council* drain and any channel or pipe forming part of that *stormwater* pipe is repaired and maintained to the satisfaction of an *authorised officer*.

### **Drainage connections**

#### 10.9

- (1) A *person* must not, without a *permit*, tap into or interfere with any drain under the control of *Council*.
- (2) Sub-clause (1) does not apply where *Council* has, by certifying a plan of subdivision or otherwise, given its approval for the drain to be tapped under any other *legislation* administered by it.

## **Roadsides**

### 10.10

- (1) An *occupier* or, where the *land is vacant land*, the *owner*, of *land* in an urban area must ensure that the *nature strip* between the *roadway* and the boundary of the *land* is kept and maintained in accordance with *Council's Urban Nature Strip Guidelines*.
- (2) A *person* must not interfere with the surface of any *nature strip*, unless the proposed treatment is allowed under the policy described in sub-clause (1) and does not create a hazard to pedestrians and other *road* users.
- (3) A *person* must not carry out any planting in, remove vegetation from or make any alteration to a *roadside* in a *rural zone* unless permitted under the *Roadside Management Strategy*.

## PART 11

### CONTROL OF VEHICLES AND ANIMALS ON ROADS AND ELSEWHERE

#### Livestock on roads

11.1

- (1) Unless in accordance with a *permit*, a *person* must not drive livestock for a distance greater than 2 kilometres along any *road* located within a *rural zone*.
- (2) Unless in accordance with a *permit*, a person in charge of livestock must not *allow* the livestock to graze on a *road* or *roadside*.

#### Leaving shopping trolleys

11.2

- (1) A *person* must not leave a *shopping trolley* on any *road*, *pathway*, *Council land* or private property, except in an area designated for the purpose.
- (2) *Council* may impound any *shopping trolley* found in any area except in an area designated for the leaving of shopping trolleys.
- (3) Any *shopping trolley* impounded under sub-clause (2) will be dealt with in accordance with clause 2.12.

#### Riding horses on roads

- 11.3 Unless with the written consent of *Council*, a *person* must not ride or lead a horse or *allow* another *person* to ride or lead a horse upon a *road* or *road reserve* within an *urban zone*.

#### Repair of vehicles and trailers on roads

- 11.4 A *person* must not do any repair work to a motor vehicle or trailer on a *road*, *pathway* or *Council land*.

#### Vehicle noise

11.5 A *person* driving or in charge of a *vehicle*:

- (a) must not *allow* the engine of that *vehicle* to remain in operation while that *vehicle* is stationary except in the period of **5 minutes**:
  - (i) immediately after becoming stationary; and
  - (ii) immediately before ceasing to be stationary;
- (b) must not *allow* any engine on or in that *vehicle* to remain in operation while that *vehicle* is stationary between 7pm and 7am on any *road* in or abutting a

residentially zoned area under the *Planning Scheme* except where the *vehicle* is stationary to comply with the Environment Protection Act 1970; and

- (c) must not allow the radio or other sound system installed in such *vehicle* to be played at a level which constitutes a nuisance.

### **Sale of vehicles**

- 11.6 A *person* must not *park* a *vehicle* on a *road reserve* or in a *public place* (including a public car park) while that *vehicle* displays a sign or inscription which promotes or advertises the sale of the *vehicle*.

### **Storage of unregistered vehicles**

- 11.7 An *owner* or *occupier* of *land* must not keep, *place* or store an unregistered *vehicle* on that *land* if it is visible from the *roadway*.

## PART 12

### SECONDARY ACTIVITIES ON ROADS

#### Signs, Goods and Furniture on roads

12.1

- (1) A *person* must not, without a *permit*:
  - (a) display or allow to be displayed any goods on a *road* or footway;
  - (b) *place* or *allow* to be placed a sign on a *road* or footway; or
  - (c) *place* or *allow* to be placed a seat, umbrella, table, chair, planter box, heater or other items on a *road* or footway;unless in accordance with the *Footpath Trading Policy*.
- (2) A *person* must not without a *permit*, *place* or *allow* to be placed a sign on a *road*, footway or *Council land*.
- (3) Where *Council* or an *authorised officer* is of the opinion that there is or has been a breach of sub-clause (1), a *Notice to Comply* may be served.
- (4) Where a *person* fails to comply with any *Notice to Comply*, direction or notice, *Council* or an *authorised officer* may, in accordance with clause 2.12, impound any *goods*, sign, seat, umbrella, table, chair, planter box, heater or other items.

#### Occupation of road for works

12.2

- (1) Without a *permit* a *person* must not:
  - (a) carry out works involving, or from, a *road*; or
  - (b) do anything in relation to the works which affects or is likely to affect in any way the use of a *road*.
- (2) Where a building permit is required for *building work* on *land*:
  - (a) the *owner* of the *land*;
  - (b) the builder engaged to carry out *building work* on the *land*;
  - (c) any appointed agent; or
  - (d) any demolition contractor engaged to demolish some object on the *land* as part of the *building work*;

must:

- (i) not carry out or allow to be carried out *building work* on that *land* unless an Asset Protection Permit has been obtained;

- (ii) not carry out or allow to be carried out *building work* on that *land* in breach of any conditions of an Asset Protection Permit that has been obtained; and
- (iii) pay any Asset Protection Permit Bond determined by *Council* from time to time, in accordance with adopted procedures.

### **Unregistered or derelict vehicles**

12.3

- (1) A *person* must not:
  - (a) park an unregistered *vehicle* (if it is of a class which requires to be or is usually registered under the Road Safety Act 1986) or a derelict vehicle; or
  - (b) abandon a *vehicle* or *allow* that to occuron a *road*, in a *public place* (except with the consent of the *occupier*) or on *Council land*.
- (2) In sub-clause (1)(a) "*derelict vehicle*" includes a motor vehicle which is:
  - (a) incomplete;
  - (b) damaged; or
  - (c) out of repairto such an extent as to be unable to move by its own power.
- (3) A *vehicle* left standing or abandoned on a *road* or *Council land* contrary to sub-clause (1) may be removed and impounded by *Council* or an *authorised officer* and if that occurs a notice in a form of Schedule 4 will, if practicable, be given.

### **Substances from vehicles, animals and livestock**

12.4 A *person* must not *allow* any grease, oil, mud, clay or other substance to fall or run off a *vehicle* or livestock onto a *road* into any drain on or under the *road*.

### **Removal of substances**

12.5

- (1) A *person in charge* of a *vehicle* or livestock from which any substance has fallen or run off onto a *road* must take all reasonable steps to promptly remove the substance, make good any damage and remove any consequent hazard.
- (2) Where any damage or hazard remains, that *person* must promptly notify *Council* or *member of the police* of the damage or hazard.

### **Permit for street parties**

- 12.6 Unless in accordance with a *permit*, a *person* must not hold a *street party*, *street festival* or *procession* on a *road*.

**Collections**

- 12.7 A *person* must not, without a *permit* or unless specifically authorised by and in accordance with any *legislation*, solicit or collect a subscription or gift of money or *goods* or *sell* a raffle ticket in a *public place* or from *building* to *building* or to or from a *person* in a *public place*.

## PART 13

### DISPLAY AND SALE OF GOODS AND SERVICES

#### Road trading

13.1 Unless in accordance with a *permit*, a *person* must not:

- (a) *sell* or offer for sale any *goods* or services from or on a *road*, *pathway* or *roadside*; or
- (b) erect, place or in any other way leave any structure or physical thing on a *road*, *pathway* or *roadside* for the purposes of selling, displaying or offering for sale any *goods* or services.

#### Soliciting trade and similar activities

13.2 Unless in accordance with a *permit*, a *person* must not:

- (a) in a *public place* solicit or try to attract trade or business or tout or spruik; or
- (b) on *land* adjacent to a *public place* solicit or try to attract trade or business or tout or spruik unless the activity cannot be heard or seen by or does not have an influence on a *person* on or in that *public place* except by way of a *written advertisement* or a display of *goods* in or on the adjacent *land*.

#### Advertising signs

13.3

(1) Unless:

- (a) in accordance with a *permit*;
- (b) to do so is specifically authorised by and in accordance with the *Planning Scheme*; or
- (c) the sign is a *prescribed sign* in a *prescribed location*

a *person* must not place a portable advertising sign in, on or over a *public place* or *allow* that to occur.

(2) Unless a variation from such requirements is specifically provided for in the *permit* or under the *Planning Scheme*, a portable advertising sign must not be *placed*:

- (a) in, on or over a *public place* unless:
  - (i) the *advertising sign* is not more than 900mm high and 600mm wide;

- (ii) the advertising sign is constructed and anchored to the satisfaction of an *authorised officer*;
  - (iii) the distance between the nearest building alignment and the closest portion of the advertising sign to the building alignment is not less than 1.5 metres;
  - (iv) the advertising sign is *placed* in front of the *premises* to which it relates and only during the hours the business or activity on those *premises* is actually open to the public;
  - (v) only one advertising sign is *placed* in front of any *premises*;
  - (vi) the advertising sign is not *placed* within 10 metres of an intersection;
  - (vii) the advertising sign is designed, constructed and maintained in such a manner as to prevent movement by the wind and as not to create a hazard; and
  - (viii) the advertising sign:
    - (a) has displayed on it any current *permit* which relates to it;
    - (b) is consistent with *Council's* strategy for the area in which the sign is located and the *premises* to which the sign relates are situated; and
    - (c) is appropriately *placed* having regard to any other natural or artificial structure or obstruction and to pedestrian flow; and
- (b) a *public place* constituted by a *pathway* or *roadside* unless:
- (i) the *pathway* or *roadside* or any combination of them is not less than 3.5 metres wide; and
  - (ii) the advertising sign is *placed* or erected not less than 0.5 metres from the kerb alignment and not more than 1.5 metres from it.
- (3) Any advertising sign placed contrary to sub-clause (1) or (2) may be removed and impounded by *Council* or an *authorised officer*, whether or not a *Notice to Comply* has first been given.

**Representations as to goods or services**

- 13.4 Unless that representation is true, a *person* must not represent to another *person* or induce that other *person* to believe that:
- (a) the representor is authorised by *Council* to provide *goods* or services to that other *person* or to anyone else; or
  - (b) the other *person* is required by *Council* to obtain specified *goods* or services only from the representor.

## PART 14

### BUILDING AND WORKS ASSET PROTECTION

#### **Compliance with the Building Site Code**

- 14.1 *A person in charge of building works or a building site must, in respect of the building works or building site, comply with the Building Site Code and must ensure that all necessary permits have been obtained from Council.*

#### **Commencement of Building Works**

- 14.2 Before:
- (a) entering a *building site* by means of a motor vehicle having a gross weight exceeding two tonnes;
  - (b) accessing a *building site* from a point other than a vehicle crossing;
  - (c) using *land* for the purposes of storing any *building works* material; or
  - (d) carrying out *building works* associated with the construction of any residential dwelling

*a person in charge must:*

- (i) pay the *prescribed fee*; and
  - (ii) lodge with *Council* an *Approved Form* with details of the location and the extent of any pre-existing damage to *Council* assets adjacent to the *building site*; and
  - (iii) receive written acknowledgement from *Council* of receipt of that *Approved Form* and payment.
- 14.3 If the *person in charge* does not give notice to *Council* in accordance with clause 14.2, it is deemed, for the purposes of that clause, that there was no existing damage to *Council* assets adjacent to the *building site*.

#### **Completion of Building Works**

- 14.4 *Council* must, as soon as is reasonably practicable after receiving notice of the completion of *building work*, cause an inspection to be carried out of the *Council* assets adjacent to the *building site*.
- 14.5 If, as a result of the inspection, *Council* considers that the *building work* has caused damage to the *Council* assets adjacent to the *building site* it may give notice to the *person in charge* to repair or cause to be repaired to the satisfaction of *Council* the *Council* assets adjacent to the *building site* within 28 days of the notice being given.
- 14.6 If the *person in charge* does not repair or cause to be repaired to the satisfaction of *Council* the *Council* assets adjacent to the *building site* within 28 days of the notice being given, *Council* may repair the damage and the *person in charge* must pay to *Council* the cost of the repair.

**SCHEDULE 1**  
**NOTICE TO COMPLY**  
**GENERAL MUNICIPAL LAW 2014**

TO: .....

(Name)

.....

(Address)

You are now required to comply with Clause ..... of General Municipal Law 2014.

In order to do so, you must do the following to the satisfaction of the authorised officer:

What has to be done? .....

.....

How? .....

When? .....

Where? .....

You should contact .....(*contact officer*) at the Civic Centre, Ferres Boulevard, South Morang, on (telephone: .....) between the hours of ..... and ..... for any further information about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable to a penalty as specified in the Local Law and Council may proceed to do so, the cost of which, in addition to the penalty, you will be liable for.

.....  
(Signature of Authorised Officer)

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**NOTE:**

If this Notice is not complied with, any relevant permit may be suspended or cancelled.

If you do not wish to have the permit suspended or cancelled or be prosecuted you should comply with the directions in this Notice or give reasons in writing to Council why the permit should not be suspended or cancelled.

Where the subject matter of this Notice constitutes a breach of the Local Law, that breach can still be the subject of enforcement proceedings even if this Notice is complied with by you or not enforced by Council.

**SCHEDULE 2**

**WHITTLESEA CITY COUNCIL**

**APPLICATION FOR PERMIT UNDER WHITTLESEA  
CITY COUNCIL LOCAL LAWS**

I, .....  
(Name)  
of .....  
(Address)  
wish to apply for a ..... permit  
(Type of permit)

The relevant details are as follows:-

I wish to be able to

.....  
.....  
.....

For further information I may be contacted on ..... (telephone)

between the following times - ..... And.....

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

.....  
(Signature of Applicant)

.....  
(Signature of Owner - where required)

.....  
(Name of Owner)

.....  
(Address of Owner)

**Office Use Only**

Fee payable	\$
Date Paid	____ / ____ / ____
Receipt No.	

**SCHEDULE 3**

**WHITTLESEA CITY COUNCIL**

**GENERAL MUNICIPAL LAW (NO. 1 OF 2014)**

**PERMIT**

Type:

Issued to:

Matter/s permitted:

Conditions:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Issue

.....  
Authorised Officer

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Expiry



**SCHEDULE 5**  
**WHITTLESEA CITY COUNCIL**  
**GENERAL MUNICIPAL LAW (NO. 1 OF 2014)**  
**NOTICE OF IMPOUNDING**

To: .....  
(Name)

.....  
(Address)

**The following item(s) (describe) has/have been impounded:**

.....  
.....  
.....  
.....

You may collect the item(s) by attending at the municipal offices or between the hours of ..... and ..... to see (*Contact Officer*) and by paying the following:-

Details of fees and charges: \$.....

.....  
.....  
.....

TOTAL \$.....

If you fail to collect the item(s) and pay the required fees and charges by (*date*), the authorised officer may proceed to dispose of the item(s).

.....  
(Signature of Authorised Officer)

Telephone: .....

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**SCHEDULE 6**

**WHITTLESEA CITY COUNCIL**

**GENERAL MUNICIPAL LAW (NO. 1 OF 2014)**

**NOTIFICATION OF COMMENCEMENT OF BUILDING WORKS**

I, \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

Telephone: \_\_\_\_\_ (home/office) \_\_\_\_\_ (mobile)

Location of new residential dwelling is:

\_\_\_\_\_  
(Address)

My role with these Building Works is: (tick one)

Building Permit Holder	<input type="checkbox"/>
------------------------	--------------------------

Builder	<input type="checkbox"/>
Owner of the site	<input type="checkbox"/>
Site supervisor in charge of the site works	<input type="checkbox"/>

Details and extent of existing damage to Council assets adjacent to the building site are as follows:-


Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**SCHEDULE 7****WHITTLESEA CITY COUNCIL****GENERAL MUNICIPAL LAW (NO. 1 OF 2014)****PENALTIES FOR INFRINGEMENTS**

<b>Clause No.</b>	<b>Short Description</b>	<b>First Offence (Penalty Units)</b>	<b>Second or Subsequent Offence (Penalty Units)</b>
2.22	<b><u>Direction of traffic</u></b> A person must comply with any directions given by an authorised officer.	2	2
3.1	<b><u>Vehicular access to reserves</u></b> Must not install or use a vehicular gateway which services or otherwise provides a means of access to or from the <i>reserve</i> .	3	5
3.2	<b><u>Motorised vehicles</u></b> must not ride, drive, park or otherwise use any motorised vehicle in or on a reserve.	4	4
3.3	<b><u>Games and sport</u></b> Unless with the written consent of Council, a person must not in any reserve engage in, play or practise any game, activity or sport which may interfere with the use or enjoyment of the reserve by any other person or the safety of that other person.	2	4
3.4	<b><u>Damage to reserves</u></b> A person must not willfully damage or disfigure Council assets within public open space or a road controlled by Council.	5	8
3.5	<b><u>Protection of Council Trees</u></b> Must not interfere with any tree in a reserve or on a Road Reserves; or plant any tree or shrub in a reserve or on a Road reserve.	5	8
4.1	<b><u>Fire hazards</u></b> An owner or occupier must ensure that: all necessary steps are taken to prevent fire on premises or that vacant land;	5	8
4.2	<b><u>Dangerous land</u></b> Must not allow the premises to be kept in a manner which is dangerous or likely to cause danger to life or property.	5	8
4.3	<b><u>Incinerators and open fires</u></b> Must not light or allow to be lit or remain alight any incinerator.	5	8

<b>Clause No.</b>	<b>Short Description</b>	<b>First Offence (Penalty Units)</b>	<b>Second or Subsequent Offence (Penalty Units)</b>
4.4	<b><u>Burning of offensive material</u></b> Must not burn or allow to burn any offensive material or substance.	5	8
4.5	<b><u>Wood heaters</u></b> Must not use a wood heater in a manner which causes a nuisance to any person.	2	2
4.6	<b><u>Outdoor ovens</u></b> Must not use an outdoor oven in a manner which endangers property or causes a nuisance to any person.	2	2
5.1	<b><u>Camping</u></b> Must not camp in a tent, caravan, mobile home or motor vehicle or other temporary or makeshift structure on Council land or vacant land or in a public place.	2	4
5.2	<b><u>Caravan occupation</u></b> Must not use a caravan or mobile home for the purpose of habitation.	2	4
5.3	<b><u>Unightly land and buildings</u></b> Must not allow the land or any buildings located on the land to be kept in a manner which is unsightly, dangerous or detrimental to the amenity of the area.	4	8
5.4	<b><u>Storage of machinery or second hand goods on property</u></b> Must not use any premises for the storage of machinery or second hand goods of any kind or for the assembly or dismantling of such machinery or goods.	2	2
5.5	<b><u>Signs</u></b> Must not act contrary to, nor remove or deface, any such notice or sign.	2	4
5.6	<b><u>Pest plants</u></b> Must eradicate any plant listed as a pest plant unless to remove it is prohibited by the Planning Scheme.	2	2
5.7	<b><u>Damage caused by trees or plants</u></b> Must not allow a tree or plant on that land to cause damage to or interfere with Council land or anything on Council land.	5	8
5.8	<b><u>Wasps and Bees</u></b> Must not allow wasp nest or bee swarm to remain on the land.	2	2
5.9	<b><u>Waste and recycling</u></b> Must comply with the Waste Management Code.	2	2

<b>Clause No.</b>	<b>Short Description</b>	<b>First Offence (Penalty Units)</b>	<b>Second or Subsequent Offence (Penalty Units)</b>
5.10	<b><u>Trade waste skips</u></b> Must not place a trade waste skip on a road, roadside, reserve or other Council land.	5	8
5.11	<b><u>Screening of Bins and Skips</u></b> Council may, by notice in writing, direct the owner or occupier of premises to: install; repair; replace; or modify a fence or screening.	3	3
5.12	<b><u>Noise</u></b> Must not on Council land or in any public place, play, control, operate or use a loud speaker, amplifier, microphone, wireless receiving set, broadcasting set or other like device capable of being used for making or amplifying	2	2
6.1	<b><u>Keeping animals</u></b> Must not keep or allow to be kept more than 4 different types of animals listed under 6.1:	2	4
6.3	<b><u>Animal nuisance</u></b> Must ensure enclosure or animal shelter is maintained so as to not give rise to any condition likely to be offensive, dangerous to health, unsightly or a nuisance;	2	4
6.4	<b><u>Animal excrement</u></b> Must not allow any excrement from that animal to remain on any Council land; public place; or private property	2	2
6.5	<b><u>Animal noise</u></b> Must take all necessary steps to prevent any objectionable noise from any animal on those premises.	2	2
7.1	<b><u>Numbers of poultry that may be kept</u></b> Unless the area of the premises is 0.2 hectares or more, a person must not keep or allow to be kept on any premises live poultry except in a bird enclosure; or more poultry than listed under 7.1.	2	2
7.2	<b><u>Siting of bird enclosures</u></b> Must ensure that any bird enclosure on such premises is: of a height not exceeding 2.4 metres; at least 3 metres from the boundary of any adjoining premises; or located to the satisfaction of the authorised officer.	2	2
7.3	<b><u>Construction of bird enclosures</u></b> Must ensure that any bird enclosure on the premises is roofed and free of vermin.	2	2
7.4	<b><u>Bird health</u></b> Must ensure that: enclosure or bird cage on the premises is maintained; waste food not to become offensive; any dead or diseased bird is immediately disposed of to the satisfaction of an authorised officer.	2	2

<b>Clause No.</b>	<b>Short Description</b>	<b>First Offence (Penalty Units)</b>	<b>Second or Subsequent Offence (Penalty Units)</b>
7.5	<b><u>Storage of food</u></b> Must keep bird food in a vermin proof receptacle.	2	2
8.1	<b><u>Transportation of waste</u></b> Must not convey or allow to be conveyed in any vehicle on any road unless the vehicle is constructed, fitted, loaded and covered.	3	3
8.2	<b><u>Dumping of refrigerators or similar containers</u></b> Must not place, leave or allow to remain a disused refrigerator, ice-chest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of approximately 0.04 cubic metres or more on any premises:	3	3
9.1	<b><u>Clothing recycling bins</u></b> Must not place or allow the placement of a clothing recycling bin on private land, a road reserve, in a public place or on Council land.	5	10
10.1	<b><u>Protrusions and overhanging branches</u></b> Must not, on that land allow any vegetation or sign to extend over a pathway at a height of less than 3 metres.	2	4
10.2	<b><u>Property numbers to be displayed</u></b> Must mark the premises with such number; 75mm in height for premises in urban areas and 150mm for premises in rural areas.	2	4
10.3	<b><u>Vehicle crossings</u></b> Must ensure that each point of vehicle access from a roadway on a road to the premises has a properly constructed vehicle crossing.	2	2
10.4	<b><u>Permit required for vehicle crossings</u></b> Must not construct, install, remove or alter a vehicle crossing (whether temporarily or permanently).	2	2
10.5	<b><u>Temporary vehicle crossings</u></b> Must not allow entry to or exit from the premises by such vehicle and take all reasonable steps to protect the existing kerb, gutter, roadside, pathway, roadway and vehicle crossing at all times during the activity or occurrence.	2	2
10.6	<b><u>Redundant vehicle crossings</u></b> Must remove and or reinstate any part of or all of a vehicle crossing abutting the premises for which there is no effective point of vehicle access.	2	2
10.7	<b><u>Obstructions on roads and Council land</u></b> Must not make or place an obstruction or allow one to be made, placed or exist on any part of a road reserve or Council land.	2	4

Clause No.	Short Description	First Offence (Penalty Units)	Second or Subsequent Offence (Penalty Units)
10.8	<b><u>Stormwater drainage connections</u></b> Must ensure that each stormwater drainage pipe from the premises to a Council drain in the road reserve is properly constructed and maintained.	2	2
10.9	<b><u>Drainage connections</u></b> Must not, without a permit, tap into or interfere with any drain under the control of Council.	2	2
10.10	<b><u>Roadsides</u></b> Must ensure that the <i>nature strip</i> is not interfered with and maintained in accordance with any policy or guidelines <i>prescribed by Council</i> .	5	8
11.1	<b><u>Livestock on roads</u></b> Must not drive livestock for a distance greater than 2 kilometres along any road located within a rural zone.	2	4
11.2	<b><u>Leaving shopping trolleys</u></b> Must not leave a shopping trolley on any road, pathway, Council land or private land, except in an area designated for the purpose.	2	4
11.3	<b><u>Riding horses on roads</u></b> Must not ride or lead a horse or allow another person to ride or lead a horse upon a road or road reservation within an urban zone.	2	4
11.4	<b><u>Repair of vehicles and trailers on roads</u></b> Must not do any repair work to a motor vehicle or trailer on a road, pathway or Council land.  Motor vehicles under 4.5 tonnes Motor vehicles 4.5 tonnes and greater	3 8	5 12
11.5	<b><u>Vehicle noise</u></b> Must not allow the engine of that vehicle to remain in operation while that vehicle becomes stationary or prior to departure except in the period of 5 minutes between 7pm and 7am on any road in or abutting a residentially zone.	2	2
11.6	<b><u>Sale of vehicles</u></b> Must not park a vehicle on a road reserve or in a public place (including a public car park) while that vehicle displays a sign or inscription which promotes or advertises the sale of the vehicle.	2	2
11.7	<b><u>Storage of unregistered vehicles</u></b> Must not keep, place or store an unregistered vehicle on those premises if it is visible from the roadway.	2	2

<b>Clause No.</b>	<b>Short Description</b>	<b>First Offence (Penalty Units)</b>	<b>Second or Subsequent Offence (Penalty Units)</b>
12.1	<b><u>Signs, Goods and Furniture on roads</u></b> Must not, without a permit display or allow to be display, or place any goods on a road or footway;	4	6
12.2	<b><u>Occupation of road for works</u></b> Must not carry out works involving, or from, a road; or carry out or allow to be carried out building work on that land unless an Asset Protection Permit has been obtained;	4	6
12.3	<b><u>Unregistered or derelict vehicles</u></b> Must not park an unregistered or abandon a vehicle on a road, in a public place (except with the consent of the occupier) or on Council land.	4	6
12.4	<b><u>Substances from vehicles, animals and livestock</u></b> Must not allow any grease, oil, mud, clay or other substance to fall or run off a vehicle or livestock onto a road into any drain on or under the road.	4	6
12.5	<b><u>Removal of substances</u></b> Must take all reasonable steps to promptly remove any substance that has fallen or run off their vehicle.	4	6
12.7	<b><u>Collections</u></b> Must not, without a permit or unless authorized, solicit or collect a subscription or gift of money or goods or sell a raffle ticket in a public place or from building to building or to or from a person in a public place.	2	4
13.1	<b><u>Road trading</u></b> Must not sell or offer for sale any goods or services from or on a road, pathway or roadside.	4	6
13.2	<b><u>Soliciting trade and similar activities</u></b> Must not solicit or try to attract trade or business or tout or spruik in premises adjacent to a public place.	4	6
13.3	<b><u>Advertising signs</u></b> Must not place a portable advertising sign in, on or over a public place or allow that to occur.	2	4
13.4	<b><u>Representations as to goods or services</u></b> Must not represent to another person or induce that other person to believe that: the representor is authorised by Council to provide goods or services to that other person or to anyone else;	2	2
14.2	<b><u>Commencement of Building Works</u></b> Must pay the prescribed fee; and lodge with Council an approved form with details of the location and the extent of any pre-existing damage to Council assets adjacent to the building site.	10	10

**CERTIFICATION OF LOCAL LAW**

**THE COMMON SEAL of WHITTLESEA** )  
**CITY COUNCIL** is affixed in the )  
presence of: )

..... Councillor

..... Chief Executive Officer

**GENERAL MUNICIPAL LAW (NO. 1 OF 2014)**

I certify that this is a true copy of the General Municipal Law (No. 1 of 2014) made by the Whittlesea City Council on 7 October 2014 in accordance with the requirements of the *Local Government Act 1989*.

The Notices required to be given by Section 119(2) of that Act appeared in Government Gazette No. G33 of 14 August 2014 at page 1749 and in the Whittlesea Leader newspaper on 12 August 2014 at page 33.

The Notices required to be given by Section 119(3) of that Act appeared in the Government Gazette No. G43 of 23 October 2014 at page 2450 and in the Whittlesea Leader newspaper on 21 October 2014. A copy of the Local Law was sent to the Minister for Local Government on 27 October 2014.

The Local Law commenced operation on 1 January 2015 and will expire on 31 December 2024.

.....  
David Turnbull  
**Chief Executive Officer**

**History of Local Law**

<b>Date Made</b>	<b>Amended</b>	<b>Operation Date</b>	<b>Gazettal Date</b>	<b>Title</b>	<b>Council File</b>
7/10/2014		1/1/2015	23/10/2014	General Municipal Law No.1 of 2014	193112

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