



Hobsons Bay City Council

Draft Community Local Law 2025

**HOBSONS
BAY CITY
COUNCIL**



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State and Commonwealth Legislation (including relevant rules and regulations)

Reference is also made throughout this Local Law to the following acts, regulations, rules and other documents, as amended from time to time. These documents are not incorporated by reference into this Local Law:

Charter of Human Rights and Responsibilities Act 2006

Country Fire Authority Act 1958

Domestic Animals Act 1994

Environment Protection Act 2017

Environment Protection Regulations 2021

Equal Opportunity Act 2010

Filming Approval Act 2014

Fire Rescue Victoria Act 1958

Fines Reform Act 2014

Infringements Act 2006

Liquor Control Reform Act 1998

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

Road Management Act 2004

Road Safety Act 1986

Road Safety Road Rules 2017

Sentencing Act 1991



If a provision of any document incorporated by reference, or referred to, in this Local Law is inconsistent with any provision in this Local Law (excluding state and commonwealth legislation and the regulations made under that legislation and any relevant Planning Scheme), the provision in this Local Law prevails.

Part 1

Preliminary

1.1 Title

This Local Law is the Hobsons Bay City Council's Community Local Law 2025 and is referred to as this Local Law.

1.2 What are the objectives of this Local Law?

The objectives of this Local Law are:

- a) to provide a safe and healthy environment in which the residents of the **municipal district** can enjoy a quality of life and use of **municipal property** that meet the general expectations of the community
- b) to prohibit, regulate and control activities which may be dangerous, unsafe or detrimental to the quality of life in the **municipal district**
- c) to prohibit, regulate and control behaviour which may be a nuisance or detrimental to health and safety or adverse to the enjoyment of **municipal property**
- d) to facilitate the provision of public services, health and other community services, property services, recreational and cultural services, sale of goods and other services in a way which enhances the environment and quality of life in the **municipal district**
- e) to control nuisances and **noise**, odour and smoke emissions, and other discharges to the environment which may adversely affect the enjoyment of life in the **municipal district** and
- f) to provide uniform and fair administration of the Local Law.

Authorising provision

This Local Law is made under the provisions of section 71(1) of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

1.3 Commencement of this Local Law

This Local Law commences on 8 September 2025. Unless revoked sooner, this Local Law will cease to operate 10 years after the date on which it commenced. Upon this Local Law becoming operative, the *Community Local Law 2015* is revoked.

1.4 What part of the municipality does this Local Law apply to?

This Local Law applies to the whole of the **municipal district** except where it is apparent from its wording that it applies to a specified area or areas; and its provisions apply to the extent that they are not inconsistent with any Act, Regulation or **Planning Scheme** applicable to **Council** or the **municipal district**.

1.5 Definitions of words used in this Local Law

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 2020* indicated by the words ‘as in the Act’ or ‘Act’.

The words identified in **bold** throughout this Local Law are intended to have the following meaning:

Words	Meaning
Act	Means the <i>Local Government Act 2020</i> .
Advertising sign	Means any placard, board, sign, card or banner, whether portable or affixed or attached to any land or building, which: a) provides information about the occupier of the land or building, or a business or industry or b) advertises goods, services, an event or a competition.
Alcoholic beverage	Has the same meaning as the definition of liquor in the Liquor Control Reform Act 1998
Animals	Means every specimen of four-legged animal, birds, fish and reptiles.
Applicant	Means a person who applies for a permit under this Local Law.
Appropriate fee	Means the fee appropriate to a particular permit or charge determined by Council in accordance with Part 2.
Approved	Means approved by Council .
Assistance dog	Has the same meaning as in section 4 of the Equal Opportunity Act 2010.
Authorised officer	Means a person appointed by Council under section 224 and 224A of the Local Government Act 1989 and any registered member of the Victoria Police appointed in writing by Council.
Background noise level	Means the background sound level measured in accordance with Australian Standard 1055-1989, titled “Acoustics – Description and Measurement of Environmental Noise” or any noise measurement standards prescribed under the <i>Environment Protection Act 2017</i> .
Barbecue	Includes a structure, device or contraption whether fixed or portable, capable of being used for the cooking of food outdoors.
Beach	Includes the sanded areas of Port Phillip Bay generally between the sea-wall and the waters of the Bay that are within the municipal district at any time.
Boat launching facility	Means a facility for the purpose of launching or landing boats and other vessels.
Body of water under the control of Council	Includes a body of water over which Council has control or authority by virtue of statutory rights or obligations or proprietary rights or obligations, whether or not within the municipal district .

Words	Meaning
Builder	Means a person engaged by or on behalf of the Owner or Occupier of a Building Site to carry out, manage or arrange the carrying out of Building Works.
Builders waste	Means any waste or refuse resulting from or generated by building work, or other works associated with the property.
Building	Includes: a) a structure, temporary building, temporary structure and any part of a building or a structure b) fences, walls, out-buildings, service installations and other appurtenances of a building and c) a boat or a pontoon, which is permanently moored or fixed to land.
Building site	Means any land on which building work is being, or is proposed to be, carried out.
Building work(s)	includes any activities, events and practices for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building or any excavation works (e.g. pool construction);
Bulk waste container	Means a bin, skip, container or other structure designed or used for holding and containing a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance. It does not include containers used in connection with Council's regular domestic rubbish collections.
Busking	Means to preform to the public, whether by acting, juggling, dancing, singing, mime, statue, drawing, playing a musical instrument or otherwise entertaining passers-by, with or without reward.
Camp	Means using a tent, caravan, motorhome, vehicle, shipping container, or any other movable or temporary form of accommodation (including sleeping bags or swags).
Caravan	Means a vehicle without an <u>engine</u> that can be pulled by a car or <u>van</u> . It may contain <u>beds</u> and <u>cooking equipment</u> so that people can live or <u>spend</u> their holidays in it.
Chimney	Means a built or installed structure of non-flammable material providing a vent for the discharge of gaseous waste into the atmosphere from a fire, heater, stove or other device capable of burning solid or liquid fuel.
Chief Executive Officer	Means the person appointed by the Council to be its Chief Executive Officer or any person acting in that position (as in the Act).
Clothing recycling bin	Means a container or similar structure for the collection of used clothing or the donation of goods or items.
Construct	Includes: a) to build, rebuild, erect or re-erect b) to repair c) to make alterations d) to enlarge or extend or e) to place or relocate.

Words	Meaning
Coordinating road authority	Has the same meaning as in the Road Management Act 2004.
Council	Means the Hobsons Bay City Council.
Council assets	Means any road, drain, drainage infrastructure, swale drain, footpath culvert, street trees, plant, road sign or any other property owned, vested in or under the control of Council.
Council building	Means any building owned by, vested in or under the management of Council .
Council land	Means any land either vested in or under the management of Council including roads, streets, reserves, watercourses and reservations. 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.
Council officer	Means a person who is employed by the Hobsons Bay City Council.
Dangerous land	Means the condition of land and the storage of any item on that land which is likely to cause a risk to health or safety, and excludes trees on privately owned land, unless such trees pose a safety risk to a public place.
Dilapidated building	Means a building which is derelict, in a state of disrepair, damaged, defaced, incomplete or which given its condition, adversely affects the amenity of the neighbourhood.
Divisional director	Means a person appointed by Council to a position of Director of a Corporate Division or the equivalent position.
Dwelling	Means any building or part of a building used, intended to be used, adapted or designed for residential purposes.
Event	Means an organised sporting, recreational, cultural, commercial or social gathering of people which is held on a road, or any other public place prescribed by the Council.
Film/filming	Has the same meaning as in the Victorian Film Friendly Guidelines 2014.
Film friendly principles	Has the same meaning as in the Filming Approval Act 2014 .
Footpath	Means any path that is provided for the use of pedestrians or that is regularly used by pedestrians and not vehicles.
Foreshore Reserve	Means any land, whether owned or vested in, or under the control and management of the Council, adjacent to the waters of Port Phillip Bay and includes any beach , inland lake, river, stream, creek or other waterway, but does not include a road.
Foreshore waters	Means the area of seawater within 100 metres of the high-water mark along the beach at any time between further extensions of the southern and north-eastern imaginary lines referred to in the definition of beach in this clause.
Glass container	Means a container or any part of a container made partly or wholly of glass.

Words	Meaning
Graffiti	Means any writing, painting, poster or other defacement applied to any surface without the prior consent of the owner or Council .
Habitable room	A room used for normal domestic activities, and a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom but b) excludes a bathroom, laundry, water closet (toilet), pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.
Heavy vehicle	Has the same meaning as in the Road Safety Act 1986.
Hire	Includes hire , agree to hire , offer or expose for hire , keeping or having in possession for hire , advertising for hire or directing, causing, suffering, permitting or attempting any of such acts.
Incinerator	Means a structure, item or contraption not enclosed in a building which: (a) is used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance; (b) is not licensed or otherwise subject to control under the provisions of any other Act.
information privacy principles	Has the same meaning as in the Privacy and Data Protection Act 2014.
Land	Includes vacant, occupied, public or private land and includes anything on that land .
Large birds	Includes any cockatoo, parrot and other similarly sized or larger birds, but does not include poultry, pigeons or small birds.
Livestock	Has the same meaning as in the Impounding of Livestock Act 1994.
Long vehicle	Long vehicle has the same meaning as in the Road Safety Road Rules 2017
Mobile billboard	A device or sign used for advertising on the side of a vehicle or trailer that is typically mobile.
Mobility scooter	Means an electrically powered scooter designed for people with restricted mobility, typically an electrically powered scooter designed for people with restricted mobility, typically those who are elderly or disabled.
Motor vehicle	Has the same meaning as in the Road Safety Act 1986
Municipal district	Means the municipal district of the Hobsons Bay City Council as proclaimed under the Act.
Municipal property	Includes any Council land, building, boat launching facility , garbage depot, library or swimming pool.
Nature strip	Has the same meaning as set out in the dictionary of the Road Safety Road Rules 2017

Words	Meaning
Notice to comply	<i>Means a notice issued to a person in accordance with clause 2.4 of this Local Law.</i>
Noxious weed	Has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
Occupier	Includes any person having the control or management of any premises, whether alone or not.
Outdoor eating facility	Means any arrangement to provide drinks, food, other related goods, services or comfort to the public, including, but not limited to the use of tables, chairs and umbrellas on a road or Council land .
Owner	Means: (a) in relation to land or a building - means the person/s who is registered on the relevant Certificate of Title as the Owner or the person/s who is entitled to exercise any rights of Ownership to the Land (b) in relation to a Motor Vehicle or Trailer - has the same meaning as in the Road Safety Act 1986 (c) in relation to a cat or dog - has the same meaning as in the Domestic Animals Act 1994.
Penalty unit	Means the amount set under Section 110(1) of the <i>Sentencing Act 1991</i> .
Permit/s	Means a permit authorised or required under this Local Law and granted in accordance with the provisions of this Local Law.
Permit holder	Means a person to whom a permit has been granted under this Local Law.
Person/s	Means: (a) a human being (b) a body corporate (c) an association (incorporated or unincorporated) or (d) a partnership.
Person in charge	Includes the owner of and any person who has the care, custody or control, whether temporary or otherwise, at the relevant time and place, of anything or activity.
Person in charge of building work	Means: the person who is nominated as the builder in a building permit under the Building Act 1993 issued for the building works and if the person nominated as the builder in the building permit is a company, the director of the company and the person in charge of any building works being carried out and the owner of a building site.
Personal watercraft	Has the same meaning as in the Marine Safety Act 2010.
Place	Includes land, waters, a location, an area or a region.
Planning scheme	Means any planning scheme relevant to the municipal district and includes the Hobsons Bay City Council Planning Scheme (made under the <i>Planning and Environment Act 1987</i>).

Words	Meaning
Poultry	Includes fowls, chickens, ducks, geese, peafowl, pheasants and turkeys of any age but does not include small birds.
Premises	Includes any structure, building, vessel or place (whether built on or not), and any part of any such structure, building, vessel or place.
Private drain	Means any part of any drain or pipe not owned by Council or another public body: (a) on private property or (b) running from private property to connect to a main drain or pipe and including the connection point (legal point of discharge).
Procession	Means an organised group of people proceeding along a road or through any Council land or gathering for a ceremony, function or purpose and includes fun runs, bicycle and triathlon events.
Public place	Has the same meaning as in the <i>Summary Offences Act 1966</i> .
Racing pigeon	Means a pigeon that is kept by a person who is a registered, current member of a recognised National or State Homing Pigeon Association.
Recreation vehicle	Means a: (a) mini-bike, trail bike or go-kart (b) a motor bike, motor-scooter or (c) any other vehicle which is propelled by a motor, and which is ordinarily used for recreational purposes.
Recreational vessel	<i>Has the same meaning as in the Marine Safety Act 2010.</i>
Registered owner	In relation to a vessel, means the person who is recorded as registered owner of the vessel in accordance with the <i>Marine Act 1988</i> or the equivalent legislation in the state or territory in which the vessel is registered.
Repair	Includes the reconstruction or renewal of any part of an existing building , premises or vehicle for the purpose of its maintenance.
Reservation	Means anything constructed or located on a road which divides the road longitudinally but does not include a line or series of lines marked on a carriageway.
Reserve	Means any land or part of land within the municipal district which is used for sporting or recreational or aesthetic purposes and includes parks, gardens, playgrounds, tree reserves, garden plots, lawns and ornamental plantations as well as car parks, roads, tracks and other areas within that land or part of that land .
Residential land	Means land which is zoned residential in any planning scheme, or which is used for residential purposes or which is available for development for residential purposes.
Road	Has the same meaning as in <i>The Road Safety Act 1986</i> .
Road related area	Has the same meaning as in <i>The Road Safety Act 1986</i> .

Words	Meaning
Sell	a) Includes: 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 resale.
Senior officer	means a member of <i>Council</i> staff holding the office or position to which has been delegated a power by the <i>Chief Executive Officer</i> , under the provisions of Section 78(d) of the <i>Act</i> .
Small birds	Means canary, budgerigar, finch, cockatiel or other like sized bird kept caged or within premises but excludes chickens, poultry, pigeons, racing pigeons, galahs, cockatoos and other birds prescribed by Council.
Special event	Means an activity which occupies a municipal property for a purpose or a period other than the normal use of that property and includes the use of the property for weddings, filming or any commercial purpose.
Stormwater system	Means the stormwater system/drainage system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.
Street festival	Means an organised recreational, cultural, social or commercial gathering of people which is held on a road.
Temporary dwelling	Means any tent, caravan or other van or portable item whether on wheels or not, or any conveyance structure or thing which is: a) designed for use of living b) constructed and transportable in one or more parts and c) capable of being placed on and removed from a site within 24 hours.
Thing	Means: a) a material object without life or consciousness; an inanimate object or b) an entity, object or creature that is not or cannot be specifically designated precisely.
Total Fire ban day	Means a day declared a Total Fire ban day , in accordance with the Country Fire Authority Act 1958.
Toy vehicle	Means: a) a vehicle designed to be propelled by human power and includes a scooter, skateboard, roller skates, roller blades and like toys and b) A remote-control aeroplane, boat or vehicle.
Trade waste bin	Means a receptacle used for the storage of industrial waste, trade or commercial waste or rubbish, including, but not limited to, trade waste hoppers and recycling bins.
Trailer	Has the same meaning as in the <i>Road Safety Road Rules 2017</i>
Traffic control item	Has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
Unreasonable noise	Has the same meaning as in the <i>Environment Protection Act 2017</i>

Words	Meaning
Vehicle	Has the same meaning as in the <i>Road Safety Road Rules 2017</i>
Vehicle crossing	Means a paved construction designed to facilitate the entry and exit of vehicles: (a) from a road onto land and (b) from land onto a road including, but not limited to, driveways.
Waste	Has the same meaning as in the Environment Protection Act 2017

1.6 Interpretation

1. The provisions of the *Interpretation of Legislation Act 1994* are to be applied to assist in the interpretation of this Local Law, and in ensuring the delivery of the objectives of this Local Law.
2. Any activity or other matter that requires consent or approval of *Council* under the *Road Management Act 2004* is to be evidenced by way of the grant of a *permit* under this Local Law.
3. Introductions to Parts and Notes do not form part of this Local Law. They are provided to assist understanding.

1.7 Operator Onus

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

Part 2



Administration

This part of the Local Law provides procedures for the administration of all our Local Laws. It provides direction on the issue of permits, notices to comply, notices of impounding, infringement notices and setting fees and charges.

2.1 Exercise of discretions

1. In exercising any discretion under this Local Law **Council** and authorised officers must have regard to:
 - a) the objectives of this Local Law;
 - b) any relevant guidelines or standards incorporated into the Local Law;
 - c) *Charter of Human Rights and Responsibilities Act 2006*; and
 - d) the *Equal Opportunity Act 2010*.
2. Guidelines or standards prepared by **Council** must not be inconsistent with the objectives of this Local Law.

2.2 Register of determinations

1. Any guidelines prepared or determinations made by **Council** for the purpose of this Local Law must be maintained by **Council** in a register.
2. The register kept under clause 2.2(1) must be made available upon request for inspection at the office of **Council** during normal office hours.

2.3 Powers of Council

1. **Council may:**
 - a) issue a warning, a Notice to Comply, a direction, either written or oral and/or an infringement notice to a person who Council reasonably suspects has or will breach any provision of this Local Law; and
 - b) commence legal proceedings; and
 - c) impound items, goods or equipment related to that breach, in accordance with clause 2.6 and 2.7.
2. Council may delegate to an Authorised Officer, the powers set out in Clause 2.3 (1), in accordance with the provisions of Section 78 (c) and (d) of the Act.

2.4 Notice to comply

1. A Notice to Comply shall be in a form **approved by Council** and must include enough detail and information, to ensure the person served with the Notice to Comply is aware of:
 - (a) the clause of the Local Law the subject of the breach; and
 - (b) The nature of the breach of the Local Law; and
 - (c) the actions and measures to be taken to remedy the breach and the consequences of the breach; and
 - (d) the time and date by which the actions and measures are to be undertaken.
2. The time and date by which the actions and measures are to be undertaken required by a Notice to Comply must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved and
 - (b) the degree of difficulty and
 - (c) the availability of necessary materials or other necessary items and
 - (d) climatic conditions and
 - (e) the degree of risk or potential risk and
 - (f) any other relevant factor.

2.5 Failure to comply with a Notice to Comply

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

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

Note: Failure to comply with a Notice to Comply may also result in the cancellation of a relevant permit under clause 8.3.

2.6 Power of authorised officers to act in urgent circumstances

1. In urgent circumstances arising from a failure to comply with this Local Law, an **authorised officer** may take action to remove, remedy or rectify a situation without first serving a **Notice to Comply** if:
 - a) the authorised 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
 - b) wherever practicable, a senior officer is given prior notice of the proposed action.
2. An authorised officer may take action to remove, remedy or rectify a situation where a Notice to Comply has been served on a person and that person has not complied with the Notice to Comply if:

- a) the authorised officer considers the circumstances or situation to be sufficiently urgent and the non-compliance with the notice may place a person, animal, property or thing at risk or in danger; and
 - b) wherever practicable, a senior officer is given prior notice of the proposed action.
- 3. In deciding whether circumstances are urgent, an authorised officer must take into consideration, to the extent relevant:
 - a) whether it is practicable to contact:
 - (i) the person by whose default, permission or sufferance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and
 - b) whether there is an urgent risk or threat to a **person**, animal, property or thing or to the environment.
- 4. The action taken by an authorised officer under sub-clause (1) or (2) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- 5. An authorised officer who takes action under sub-clause (1) or (2) must ensure that, as soon as practicable:
 - a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - b) a report of the action taken is submitted to the Chief Executive Officer or a senior officer to whom the authorised officer reports.

2.7 Power of authorised officers to impound

- 1. Where a person has breached a provision of this local law and has failed to comply with a Notice to Comply or a direction from an *authorised officer*, to remove from Council land any items, goods, equipment or thing connected to that breach, which they own or are responsible for, the items, goods, equipment or thing may be removed by an authorised officer and impounded.
- 2. If an *authorised officer* has impounded anything in accordance with this Local Law, *Council* may refuse to release it until the *appropriate fee* or charge for its release has been paid to *Council*.
- 3. As soon as it is reasonably practicable to do so, an *authorised officer* must serve a Notice of Impoundment, on the owner or person responsible for the impounded item setting out the fees and charges payable and time by which the item(s) must be retrieved.
- 4. If, after the time required in a Notice of Impoundment, an impounded item is not retrieved, an *authorised officer* may take action to dispose of the impounded item according to the following principles:
 - a) where the item has no saleable value, it may be disposed of in the most economical way

- b) where the item has some saleable value, the item may be disposed of either by tender, public auction or private sale but failing sale may be treated as in paragraph (a) and
 - c) where the owner has advised **Council** in writing that **Council** may dispose of the goods because he or she does not intend to retrieve them, **Council** may dispose of them by the method identified in either paragraph (a) or (b).
5. When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the *authorised officer* must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with sub-clause (4) once he or she is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
 6. Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of **Council**, appears to be authorised to receive the money except for the reasonable costs incurred by **Council** in the administration of this Local Law.
 7. If a person described in sub-clause (6) cannot be identified or located and the money is held by **Council** for 12 months, **Council** must comply with requirements of the *Unclaimed Money Act 2008*.

2.8 Appeals

1. Any **person** who is aggrieved by any matter related to the issue of a direction or notice to comply under this Local Law may make a written or oral submission for consideration by **Council**, without in any way affecting their obligation to act in accordance with any **Permit**, direction or notice which is applicable under this Local Law.
2. Such appeal must be lodged within 14 days of the date shown on the direction or notice from which the appeal arises. If the person wishes to make an oral submission, they must write to Council within that 14 day period and make a request to be heard orally. Upon receipt of that request, Council will make the necessary arrangements.
3. Unless there is an immediate threat to a person, animal or property, Council will suspend the operation of a notice to comply or direction, pending the conclusion of the review.

2.9 Setting fees and charges

1. Council may by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, good, service or other act, matter or thing under this Local Law.
2. Council may by resolution prescribe the fee which is payable for the granting, renewal or transfer of a permit, licence, authority or registration.
3. Council may by resolution provide for specific fees, maximum or minimum fees, maximum and minimum fees, scales of fees according to the value of goods or services provided for the fees or the project being assessed, the payment of fees either generally or under specified conditions or in specified circumstances, the reduction, waiver or refund in whole or in part of the fees.
4. Council may when waiving or refunding, in whole or in part, of a fee, the reduction, waiver or refund may be subject to conditions, in respect of certain matters or transactions or classes of matters or transactions, in respect of certain documents or classes of documents, when an event happens, in respect of certain persons or classes of persons, or in respect of any combination of matters, transactions, documents, events or persons.

2.10 Incorporation of documents

The documents listed below are hereby incorporated into this Local Law, in accordance with the provisions of S.76(1) of The Act.

1. The document titled “*Footpath Furniture Trading Code of Practice*”, as made and amended by **Council** from time to time and published on **Council’s** website.
2. The document titled “*Hard Waste Guidelines*”, as made and amended by **Council** from time to time and published on **Council’s** website.
3. The document titled “*Building Site Code of Practice*” as made and amended by **Council** from time to time and published on **Council’s** website.
4. The document titled “*City of Hobsons Bay Governance Rules*” as made and amended by **Council** from time to time and published on **Council’s** website.
5. The document titled “*Commercial Cardboard Collection Service Guidelines*” as made and amended by **Council** from time to time and published on **Council’s** website.



Part 3



Your property

This part sets requirements aimed at making sure that the look of buildings inside the municipality are consistent with an image of the municipality that is safe, attractive and properly kept. Also included in this part are the activities that may affect the neighbourhood environment including rubbish collection.

3.1 Displaying property numbers

1. The **owner** or **occupier** of any **premises** must mark the **premises** with the numbers/letters allotted by **Council**.
2. Street numbers must be clearly displayed in a prominent position to allow the property to be quickly and easily identified and must be made up of numbers/letters which are:
 - (a) at least 50 millimetres high and
 - (b) of proportional width and
 - (c) in clear contrast with the background and
 - (d) able to be clearly read, in normal lighting conditions, from the *road* immediately adjacent to the front boundary of the property.
3. The **owner** or **occupier** of any **premises** must renew the numbers/letters as often as may be necessary to maintain compliance with subclause 2 (d).

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

3.2 Fencing of vacant land

1. If any vacant land within the municipal district is:
 - (a) dangerous; or
 - (b) contains materials or substances which are dangerous or adversely affect the amenity of the area –

Council may serve a notice to comply on the owner or occupier directing them to erect a fence which prevents the entry of persons to the land or the escape of materials or substances from the land or obscures the land.
2. A person who fails to comply with a notice to comply is guilty of an offence.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.3 Unsightly property

Property owners and occupiers are required to maintain their properties, including vacant land, to ensure it does not become unsightly. A property can be deemed unsightly even when not visible from the street, this includes the front, sides, and rear yard.

1. An **owner** or **occupier** must not keep or allow such premises to be kept in a condition which is unsightly or detrimental to the general amenity of the neighbourhood.
2. In determining whether premises is unsightly, an *authorised officer* should have regard to whether the land:
 - a) contains unconstrained rubbish;
 - b) contains disused excavation or building material;
 - c) contains grass or undergrowth of a height greater than 150mm;
 - d) by accumulation or hoarding of rubbish, waste or other materials gives the appearance of neglect and is out of character with other properties in the vicinity; or
 - e) is in a condition which is otherwise unsightly and detrimental to the general amenity of the neighbourhood.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.4 Dilapidated buildings

The **owner** or the **occupier** of **land** on which there is any **building** that is unoccupied or unfit for occupation or normal use must:

- a) take all reasonable steps to prevent any building or structure to become dilapidated or further dilapidated; and
- b) take all reasonable steps to prevent unauthorised access to the **building** and **land**; and
- c) as necessary, undertake temporary repairs as required to ensure on-site safety and security; and
- d) not allow any **graffiti** to remain on any **building**, wall, fence, post or other structure or object erected on that **land**.

<u>Penalty</u>	
On the spot infringement	4 penalty units
Maximum court penalty	20 penalty units

3.5 Dangerous land

1. An **owner** or **occupier** must not, without a permit, allow their premises to be kept in a condition which is dangerous.
2. A premises will be deemed to be kept in a condition which is dangerous if:
 - (a) the condition of the premises harbours vermin or insects or contains noxious weeds; or
 - (b) without a permit, the premises is used to store any substance that is dangerous or which is likely to be dangerous to health, life or property; or
 - (c) the condition of the premises is likely to be dangerous to health, life or property.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.6 Use, collection and storage of domestic waste bins

This clause applies to the **owner** or **occupier** of every **dwelling** or other **land** to which the **Council** provides a waste collection service.

1. All domestic waste and recyclables must be placed in the appropriate bin in connection with the service.
2. the **owner** or **occupier** of every **dwelling** or other **land** to which the **Council** provides a waste collection service must:
 - a) maintain all bins in a clean and tidy manner so that they do not cause a health threat or offence to any person; and
 - b) ensure that any waste from a container that has spilled onto the road, nature strip or surrounding area before collection is removed as soon as practicable; and
 - c) place bins out for collection on the **nature strip** or **road** closest to their premises or other location confirmed in writing by Council; and
 - d) not leave any domestic **waste** bin out for collection more than one (1) day before or one

- (1) day after a designated collection day unless directed or approved otherwise by Council; and
- e) ensure that the domestic **waste** bin does not interfere with the free movement of pedestrian or vehicular traffic or impede the collection of **waste**; and
 - f) not remove, add or interfere with any domestic **waste** bin or its contents left out by any other person on a **road** or on **Council land** for collection, unless employed, authorised or contracted by the **Council** for the purpose; and
 - g) ensure there are markings on the waste bins of the property that indicate the street number and in the case of flats or units, the number of each respective flat or unit; and
 - h) not use Council supplied bins for any other purpose except for disposal of domestic waste or recyclable material.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

3.7 Hard waste

The **owner** or **occupier** of every **dwelling** or other **land** to which the **Council** provides a hard waste collection service must:

- a) place out for collection any hard waste in accordance with the guidelines provided by **Council**; and
- b) not place out for collection any hard waste items on a nature strip or **Council land**, except where approved to do so by a council officer or authorised contractor of **Council**; and
- c) not remove, add, or interfere with any hard waste left out by any other person, unless employed, authorised or contracted by the **Council** for the purpose.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.8 Commercial waste

1. The **occupier** of any commercial **premises** must ensure that all waste receptacles associated with those **premises** that are placed on the **road** are clearly marked with the street number of the **premises**.
2. An occupier of commercial or industrial premises must provide a container for the storage of waste which is:
 - a) not kept on a road or Council land and is kept on the property for which the container has been obtained, unless Council has approved, in writing, an alternative location
 - b) constructed of impervious materials, water-tight and fly and vermin proof
 - c) of a sufficient size to contain all waste generated on the property in between clearances
 - d) emptied before it overflows and
 - e) maintained and kept in a clean, sanitary and inoffensive condition.
3. The **occupier** of commercial premises must ensure that all waste receptacles associated with those **premises** when placed for collection are:
 - a) not left out for collection more than one (1) day before or one (1) day after a designated collection day unless directed or approved otherwise by an authorised officer
 - b) placed adjacent to the kerb or as close as practicable to the kerb
 - c) not causing obstruction or interfering with the passage of pedestrians, by protruding onto a **footpath** and
 - d) not placed in such a manner that they otherwise constitute a hazard to pedestrians or vehicles or compromise the safe and convenient use of the road.
4. Where Council provides a weekly commercial cardboard collection service, the **occupier** of commercial premises must:
 - a) register with Council for the supply of this service
 - b) pay the applicable waste service charge and
 - c) comply with any conditions of use attached to the supply of this service.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.9 Public waste bins

A person must not deposit any domestic or commercial waste, recyclables or any other waste material of any kind which has been generated in or from any dwelling in a public waste bin.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.10 Camping on private property

The **owner** or **occupier** of any residential land must not, without a permit, allow any **person** to camp on that land, for a period exceeding 28 days in any one calendar year, unless the land is a licensed caravan park.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

3.11 Shipping containers

1. A person must not, without a **permit**:
 - a) store, keep, repair or in any other manner, use a shipping container on any land, road or road reserve within the **municipal district or**
 - b) allow another person to do so.
2. The owner/occupier of residential land must not, without a **permit**:
 1. store, keep, repair or in any other manner, use a shipping container on that land or
 2. allow another person to do so.
3. Clauses 1 and 2 do not apply to circumstances where a permit has been issued under the Planning and Environment Act 1987, in respect of the storage, keeping, repair or use of a shipping container.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

3.12 The location of trees, plants and signs

1. A person must not plant, locate or allow to be located a tree, plant, sign or other similar object in a way that it is obstructing or interfering with pedestrian or vehicular traffic by:
 - a. overhanging any footpath or other part of the road used by pedestrians to any extent up to a height of 3 metres or so that it gets in the way of pedestrians or is likely to cause injury or damage.
2. A person must not plant, locate or allow to be located a tree, plant, sign or other similar object in a way that it is extending over any part of the road in such a way that it:
 - a) obstructs the view between vehicles at an intersection or
 - b) obstructs the view between vehicles and pedestrians or
 - c) obstructs any Council assets, including drains or
 - d) obscures a traffic control item from an approaching vehicle or pedestrian or
 - e) obscures street lighting or
 - f) constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

3.13 Protection and use of drains

1. An owner and occupier of land must ensure that any drain located on that land is not:
 - a) in disrepair
 - b) in a condition which is a nuisance
 - c) in a condition that interferes with a Council asset or
 - d) dangerous to health.
2. An owner and occupier of land must ensure that:
 - a) the land is adequately drained to the satisfaction of an authorised officer
 - b) water on the land is not discharged onto Council land
 - c) water does not discharge from an air conditioner or other equipment on that land, onto Council land and
 - d) any drain discharges to Council's nominated legal point of discharge.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

3.14 Tapping into drains

A **person** must not without a **permit**, tap into any drain vested in or under the control of **Council**, or any other public body.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

3.15 Placement of bulk rubbish containers (skip bins)

A **person** must not, without a **permit**, place, allow or permit another **person** to place on or adjacent to a **road**, a bulk rubbish container.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

3.16 Tree Protection

1. A person must not, without a **permit**, on private *land*:

(a) remove, destroy, damage, interfere with or kill a *significant tree*

(b) direct, authorise, or allow another person to remove, destroy, damage, interfere with or kill a significant tree.

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

- a) A person who is the holder of a permit issued for the removal, destruction or lopping of the significant tree under the Planning Scheme
- b) A person whose actions are required by any other legislation or by any other statutory authority or this Local Law or
- c) A person acting in accordance with an instruction or direction from an authorised officer.

3. A person must not, without a *permit*, remove, destroy, damage, interfere with or kill a part of a *significant tree* that overhangs the private land of that person.

4. For this clause, 'significant tree' means a tree or palm on private land that:

- a) Has a trunk circumference of 110 cm or greater measured at 1.5 meters above ground level or
- b) A multi – stemmed tree on private land where the circumference of its exterior stems equals or is greater than 110 cm measured at 1.5 meters above ground level or
- c) If the tree has been removed, a circumference of 110 cm or greater at its base or the circumference of multi-stems at its base.

<u>Penalty</u>	
On the spot infringement	4 penalty units
Maximum court penalty	20 penalty units



Part 4

Your animals

This part intends to ensure the responsible ownership, management, and care of animals within the municipality, including limiting the number and species of animals a person may keep without a permit and prohibit animal owners from letting their pets to cause a disturbance.

4.1 Permitted animals

1. Unless permitted under the Planning Scheme, an **owner** or **occupier** of a premises must not without a **permit** keep or allow to be kept more **animals** or birds than is stated in the following table:

Type of Animal	Maximum number allowed on any one premises.
Dogs	2
Cats	2
Poultry (excluding roosters)	10
Roosters	Nil without permit
Small birds	10
Large birds	2
Pigeons	10
Racing pigeons	60
Domestic mice	2
Guinea pigs or ferrets	2
Domestic rabbits	2
Domestic fish, tortoises, frogs	No maximum limit
Cattle, horses, donkeys, pigs	Not permitted
Sheep or goats	Not permitted
Any other <i>agricultural animals</i>	Not permitted

For the purpose calculating the number of **animals** and birds that are allowed to be kept on any premises without a **Permit**, the progeny of any animal or bird listed shall be exempt for a period of twelve weeks after birth.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

2. An **owner** or **occupier** of any premises must not keep or allow to be kept any poultry or pigeons on any premises unless the poultry or pigeons are housed in a properly constructed poultry house or pigeon loft or similar structure which is:
 - a) of a height not exceeding 2 metres
 - b) at least 0.9 metres from the boundary of any adjoining premises and
 - c) at least 5 metres distance from any **dwelling** on the premises or adjacent premises
 - d) prevents, as far as practicable, the wandering or escape of such animal beyond the boundaries of the land
 - e) meets the welfare needs of the animal
 - f) is kept clean, sanitary and inoffensive and
 - g) is always maintained in good repair.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	10 penalty units

4.2 Keeping of animals

An **owner** or **occupier** of any **premises** must ensure that any animal housing, including animal shelters, structures or enclosures on that land is:

- a) maintained at all times in a clean, sanitary and inoffensive condition
- b) constructed and maintained in a manner that is safe and adequate for its intended use and
- c) kept free of materials or vegetation that may harbour or attract vermin or other pests.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	10 penalty units

4.3 Animal litter

1. A **person** in charge of an animal must immediately collect and remove all of the excrement left by the animal on a **road, street, nature strip, reserve** or **Council land** or in a **public place**.
2. A **person** in charge of an animal on any **road, street, nature strip, reserve** or **Council land** or in a **public place** must carry a bag or other receptacle and produce such item on request by an **authorised officer**.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

4.4 Animals in Council buildings

1. A **person** must not allow any animal under their control, to enter or remain in a **Council building**.
2. Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to **assistance dogs**.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

4.5 Pest and stray animals

1. A **person** must not:
 - a) encourage the presence of pest animals, stray animals or wild birds by feeding such animals in a public place or
 - b) allowing any such animals access to food, on any private land within the municipality.
2. Sub-clause 1 does not apply in circumstances where a person is seizing a dog or cat, in accordance with the provisions of section 84 of the Domestic Animals Act 1994.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units



Part 5

Fire safety

This part sets requirements for fire prevention and other activities that may affect the environment of the neighbourhood in which the activities are conducted and includes burning of material in the open, firepits and solid fuel fires and the generation of offensive odours, smoke and fumes.

5.1 Chimneys

An owner or occupier of residential land must not cause or allow any chimney to discharge dust, grit, ashes or smoke that the nature, extent, colour, smell or density is such as to be an unreasonable interference with the enjoyment of neighbouring premises, is dangerous to health or is offensive.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

5.2 Fires in the open

1. Open air fires / incinerators not to be lit

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

- a) light a fire
- b) allow a fire to be lit or**
- c) allow a fire to remain alight

in the open air or in an *incinerator* on any *land*.

2. When considering whether to issue a *permit* under sub-clause (1), *Council* may only grant a *permit* to burn within the areas designated rural, industrial or commercial under the *Planning Scheme* for the purpose of:

- a) fuel reduction
- b) regeneration of indigenous plants
- c) eradication of prohibited weeds or diseased plants or
- d) for a purpose required under any other legislation, or as is deemed necessary by *Council*.

Barbecues excepted

3. Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who uses a barbecue for the purposes of cooking food.

Chimenea, braziers and fire pits are excepted

4. Subject to the requirements of any other legislation, the prohibition in sub-clause (1) does not apply to a person who lights a fire in a chimenea, brazier, fire pit or other appliance constructed for the purposes of heating, while it is being used for that purpose on residential land.

Note: This clause is not intended to adversely affect or impact on the community's use of fire as part of their cultural traditions or religious observances.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units



Part 6



Vehicles and roads

This part contains provisions which aim to enhance the appearance of streets and public places by controlling activities involving vehicles in public places and minimising the impact of stationary vehicles and maintenance of public roads. This part contains provisions which aim to enhance the appearance of streets and public places by controlling activities involving vehicles in public places and minimising the impact of stationary vehicles and maintenance of public roads.

6.1 Behaviour involving motor vehicles

1. A **person** must not drive a **vehicle** to deliberately cause or attempt to cause a skid or other similar mark on a road or **road related area**.
2. A **person** must not drive or permit to be driven a **vehicle** in such a manner that it creates indentations on or damage to the surface of a **road, road related area, nature-strip or public place**.
3. An **owner or operator** of a **vehicle** must not drive or park a motor **vehicle** in a **reserve**, unless in an area specifically set aside for that purpose.

Penalty	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

6.2 Sale of a motor vehicle

A **person** must not display or allow to be displayed a vehicle, trailer, caravan, personal watercraft or vessel for sale on a **road, road related area** or **Council land**.

Penalty	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

6.3 Abandoned derelict and unregistered vehicles

A **person** must not leave or allow a vehicle to be left on a **road, road related area**, in a **public place** or on Council land, if such vehicle is:

- a) abandoned
- b) unregistered
- c) accident damaged
- d) dilapidated
- e) immobile or
- f) causing a danger or an obstruction to other road users or pedestrians.

Note: For the purposes of this clause a vehicle may be considered by Council to be abandoned if the vehicle has not been moved for 2 continuous months.

Penalty	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

6.4 Repair and storage of vehicles

1. A **person** must not cause or allow the repair, painting, maintenance or service of a **vehicle** on any **road, road related area** or **Council land** except where it is necessary to undertake emergency repairs to get the vehicle underway.
2. A **person** must not, without a **permit**, on a **road, road related area**, or **Council land**, store, keep or allow to be placed, a vessel, caravan or trailer for longer than 28 consecutive days in any 12-month period.
3. A **person** must not, without a **permit**, in a **reserve** or **foreshore reserve**, store, keep or allow to be placed, a vessel, caravan or trailer for a period longer than 24 hours.

Penalty	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

6.5 Mobile cranes

1. A **person** must not, without a **permit**, use or cause to be used, any mobile crane on any **Council land, road or road related area**.

Penalty	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

6.6 Off street parking of heavy or long vehicles

1. A person must not, without a permit cause or allow a heavy vehicle or a long vehicle to be stopped, kept or stored on any land in an area zoned primarily for residential purposes under the planning scheme.
2. Clause 6.6(1) does not apply to land which is a road or road related area.

Penalty	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

6.7 Shopping trolleys

Shopping trolley requirements

1. The proprietor of any premises, or the manager of a shopping complex, which makes shopping trolleys available for use must ensure that each shopping trolley clearly has displayed information that contains:
 - a) the name and address of the business or the shopping complex providing the shopping trolley for use
 - b) a message to customers about their responsibility to return the shopping trolley to a recognised collection point and details of how to report an abandoned shopping trolley belonging to the proprietor of the business, or the management of a shopping complex, which has made the shopping trolley available for use.

Penalty	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

Proprietors and shopping complex management responsibilities regarding shopping trolleys

2. The proprietor or the manager of a premises or shopping complex which makes shopping trolleys available for use must:

- a) ensure that the shopping trolley cannot be removed from that premises or complex; or
 - b) ensure that the shopping trolley cannot be removed from the car park area for the premises or shopping complex.
3. Notwithstanding the requirements of Sub-Clause (2), the proprietor of any business, or the manager of a shopping complex, which has made shopping trolleys available for use must collect shopping trolleys ordinarily kept within those premises or complex from:
- a) **Council land** or
 - b) any other land which is not under the care and control of the owner of the shopping trolley, within 3 days of being notified to do so by **Council** or an **authorised officer**.

Penalty	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

6.8 Recreational vehicles

A person must not, without a permit, use a recreational vehicle in a public place, along a creek, in a reserve or foreshore reserve.

Penalty	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units



Part 7



Building works

This part contains provisions which aim to improve the amenity of the municipal district, in particular residential areas, by preventing nuisances caused by building works. This part should be read in conjunction with Council's ***Building Site Code of Practice***, as made and amended by *Council* from time to time and published on *Council's* website. the ***Building Site Code of Practice*** is an incorporated document for the purposes of this Local Law.

7.1 Building Site Code of Practice

1. The person in charge of building work, building works or a building site must comply with Council's *Building Site Code of Practice*, being a document incorporated by reference and forming part of this Local Law.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.2 Vehicle crossing is required

1. The **owner** of any premises must ensure that each point of vehicle access from a carriageway on a road to the premises has a properly constructed vehicle crossing.

Permit requirement

2. A **permit** is required to construct, or cause to be constructed, a *temporary vehicle crossing* or permanent *vehicle crossing*.

Power to require construction, repair or removal of vehicle crossing

3. If an owner or occupier of any *land* adjacent to a road, is or may in the future be entering or exiting the *land using a vehicle* or any existing *temporary* or permanent *vehicle crossing has become redundant*, Council may:
 - a) serve a written notice on the owner or occupier of the land, **directing** the owner or occupier to:
 - I. construct a *temporary vehicle crossing* or permanent *vehicle crossing*; or
 - II. repair, reconstruct or remove an existing *vehicle crossing*.

Directions

4. A person who is given a direction under clause 7.2 (3) must comply with the direction and carry out the works, at their own cost, in accordance with any permits or licenses required for the work that was directed.
5. A direction requiring removal of a crossing may include the requirement to re-instate, footpaths, nature-strips, kerb and channel and roads to the satisfaction of **Council**.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

Land to be accessed by vehicle crossings

6. The owner or operator of a vehicle must not enter or exit any land in a vehicle except by using a vehicle crossing constructed in accordance with this Local Law.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

7. For the purposes of this clause, a vehicle crossing is properly constructed if it is constructed:

- a) in respect of permanent vehicle crossings, in accordance with Council's **Engineering Design and Construction Manual** as made and amended by *Council* from time to time and published on *Council's* website; or
 - b) in respect of temporary vehicle crossings, in accordance with Council's **Building Site Code of Practice**; and
 - c) in accordance with the terms and conditions of any relevant **permit** issued by **Council**.
8. The **owner** of any premises must maintain and keep in good condition any vehicle crossing and ensure that the vehicle crossing aligns with any internal driveway.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	15 penalty units

7.3 Asset Protection Permits and Requirements for a Builder

1. In relation to any **building work** on any **land**, **Council's** objectives are to secure community safety, protect public assets, enhance neighbourhood amenity and simultaneously provide support for appropriate **building** development and investment.

Council Assets

2. A person must not, without a **permit**, destroy, damage, modify, connect or interfere with any Council asset.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.4 Construction or demolition works – Normal working hours

1. *Construction or demolition* works may only be carried out during the normal working hours set out below:
 - a) Commercial and industrial construction and demolition:
 - I. 7.00am and 6.00 pm Monday to Friday (excluding public holidays)
 - II. 7.00am and 1.00 pm Saturday
 - III. Sundays and public holidays – no works permitted.
 - b) Residential construction and demolition:
 - I. 7.00am and 6.00 pm Monday to Friday (excluding public holidays)
 - II. 9.00am and 1.00 pm Saturday
 - III. Sundays and public holidays – no works permitted.
2. Sub-clause 1 does not apply if a permit has been granted for the carrying out of construction and/or demolition work under the following Acts/legislation:
 - a) the *Environment Protection Act 2017*; or

- b) the *Planning and Environment Act 1987* ; or
- c) any regulations made under those Acts ; or
- d) this local law-

and the permit regulates the times in which those works can be carried out.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.5 Asset protection permits and requirements for a builder

Permit requirement

1. A builder requires an Asset Protection Permit prior to commencing, carrying out or allowing to be carried out building works on land.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

Council may exempt

2. Council may exempt a builder from the operation of this clause whether in whole or in part.

Conditions on Asset Protection Permit

- a) Without limiting Council's powers under this Local Law, an Asset Protection Permit issued under this clause may be subject to such conditions as Council determines including, but not limited to:
- b) requirement to maintain a public liability insurance policy with a cover of not less than \$20 million per claim, for the duration of the building works;
- c) the requirement that a copy of the permit always be available on the building site;
- d) pay a security bond or guarantee in accordance with the provisions of this Local Law;
- e) require that all works and deliveries are carried out in accordance with any relevant and specified Construction Standards that Council may have adopted;
- f) require that no works or deliveries affect access to, or the safe navigation of, a road or a road related area may be undertaken, unless prior approval is granted by an authorised officer;
- g) require that materials may not be stored on a road or a road related area, unless prior approval is granted by an authorised officer;
- h) require that, where permission is granted to undertake works or material storage on a road or a road related area, such area must be restored to a safe, clean and tidy condition to Council's satisfaction, by conclusion of the works;
- i) require that tree protection fencing be installed to ensure a Tree Protection Zone (TPZ);

- j) require that any or all public assets or infrastructure damaged because of the works or deliveries be repaired, replaced or re-instated within a specified time, in accordance with this Local Law;
- k) require that Council be notified prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
- l) require that Council be notified of any pre-existing asset damage prior to the commencement of any works or deliveries, in accordance with the provisions of this Local Law;
- m) require that Council be notified when works have been completed;
- n) require that a temporary vehicle crossing be installed to Council's specification before commencement of any building works or deliveries;
- o) require that construction of any permanent vehicle crossing be completed within a specified time; and
- p) a waiver of the requirements for onsite refuse containers.

6.6 Expiry period of an Asset Protection Permit

Contrary to any expiry date specified for other permits issued under this Local Law, an Asset Protection Permit expires on the date specified in the permit, or if not specified, 12 months after the date of its issue unless Council extends or renews it following application to do so by the builder.

6.7 Permanent or temporary vehicle crossings required

On any *land* at which *building works* are being or is to be carried out, vehicular entry to the *land* must only take place across:

- a) a permanent *vehicle crossing*; or
- b) a *temporary vehicle crossing* authorised by a *Vehicle Crossing Permit* and an *Asset Protection Permit* issued in respect of that *land*.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

6.8 Council to be notified of certain event

Regardless of whether a building permit has been issued, a *builder* proposing to carry out *building works* must:

- a) notify *Council* in writing of the proposed *building works* at least seven (7) days before *building works* commence;
- b) provide to *Council* written notice of any prior damage to any part of the *road* or *road related area* at least seven (7) days before *building work* commence or the delivery of any equipment or materials to the *land*; and
- c) notify *Council* in writing of the completion of the *building works*, other than minor *building works*, within one (1) business day of such completion.

	<u>Penalty</u>
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

6.9 Occupation of Roads - Civil Works Permit required

Permit required

1. A *permit* is required to occupy (whether wholly or partially) **Council land**, a *road* or *road related area*:
 - (a) for any works that involve/s:
 - (i) fencing off part of the *road* or *land*;
 - (ii) erecting a hoarding, scaffolding or overhead protective awning;
 - (iii) using a *mobile crane, elevated work platform, ladder, concrete pump, mobile scaffolding or a scissor lift or travel tower* for any *building works*;
 - (iv) making a hole or excavation;
 - (v) connecting any **land** to the storm water system;
 - (vi) reinstating a hole or excavation;
 - (vii) leaving or storing any building, paving or other construction materials or any tools, machinery, plant or equipment; or
 - (b) for any other non-road purpose which does not involve a *public space event*.

	<u>Penalty</u>
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

6.10 Exemption from permit requirement

1. The requirement to obtain a *Civil Works Permit* or permit under clause (7.9) does not apply to the works of service authorities:
 - a) in an emergency or urgent circumstance as defined by the *Road Management Act 2004*;
 - b) when works are being carried out in accordance with the *Road Management Act 2004*; or
 - c) to the works of contractors undertaking any works within a *road* or *road related area* for or on behalf of *Council*.
2. Nothing in sub-clause (1) exempts a person from an obligation to notify *Council* of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

Additional criteria for grant of a permit

3. In considering whether to grant a *permit* to occupy a *road* under clause 7.9, *Council* must have regard to:
 - a) the nature and duration of the works;
 - b) the likely hazard that the works may constitute to users of the *road*;
 - c) the impact of the works on the amenity of the adjoining area;
 - d) whether an indemnity/guarantee has been provided to *Council*;
 - e) whether a security bond is required in the circumstances; and
 - d) any other matter relevant to the circumstances of the application.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

6.11 Security bonds and guarantees

1. In deciding to grant a permit, Council may, at any time, require the applicant to lodge or provide to Council a security bond or guarantee in such amount and in such a manner as Council determines.
2. In the event that a person to whom a permit is issued breaches or fails to comply with the permit conditions attached to the permit or this Local Law, Council may apply so much of the security bond or guarantee as is necessary to remedy that breach or failure to comply and repair any damage caused by that breach or failure to comply.
3. In the event that the security bond or guarantee is insufficient to remedy the breach or failure to comply and repair any damage caused by that breach, the person to whom a permit is issued is liable for the additional cost of the repair.

7.12 Return or retention of the security bond

1. Upon expiry of a permit, Council must, unless clause 7.12(2) applies, release any remaining security bond or guarantee to the person who paid the security bond or guarantee.
2. If there is any remaining amount which would be released pursuant to clause 7.12(1) and Council cannot locate the person entitled to the money, the money must be dealt with in accordance with the Unclaimed Money Act 2008.

7.13 Provision of a bulk waste container

1. Where any **building work** other than minor **building work** is being carried out on any **land**, the **builder** or **person** in charge of **building work** on a **building site** must:
 - a) provide a **bulk waste container** for the purpose of disposal of **builders' waste**, to the satisfaction of **Council** or an **authorised officer**;
 - b) place the **bulk waste container** in a location on the **land** and keep it in place (except for such periods as are necessary to empty the **waste facility**) for the duration of the **building work** on that **land**;
 - c) not place the **bulk waste container** on any **Council land, road, or road related area**, without a **permit**; and
 - d) empty the **bulk waste container** whenever it is full and, if necessary, provide a replacement **bulk waste container** during any emptying process.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.14 Disposal of builders' waste

The **builder** or **person** in charge of **building work** on a **building site** must ensure that all **builders' waste**, other than sand and soil, is placed in the **bulk waste container** so that the waste is retained in the **bulk waste container** at all times, to the satisfaction of **Council** or an **authorised officer**.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.15 Removal of builders' waste

1. On any **land** where **building work** is being or has been carried out, the **builder** or **person** in charge of **building work** on a **building site** must remove and lawfully dispose of all waste within seven (7) days of completion of:
 - a) the **building work** or
 - b) the grant of an Occupancy Permit or
 - c) or issue of the Certificate of Final Inspectionwhichever occurs last.
2. The **builder** or **person** in charge of **building work** on a **building site** must ensure that a vehicle placing or removing a builder's **bulk waste container** accesses the **building site** by way of a temporary vehicle crossing.
3. The **builder** or **person** in charge of **building work** on a **building site** must ensure that the **builders' waste** is not deposited in or over any part of the stormwater system.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.16 Surrounding site protection

1. On any **land** where any **building work** is being carried out, the **builder** or **person** in charge of **building work** on a **building site** must ensure that the **building site** is managed to minimise the risk of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants, by adopting measures to:
 - a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
 - b) prevent **building** site cleanup, wash down or other waste being discharged offsite or allowed to enter the stormwater system.
2. The **builder** or **person** in charge of **building work** on a **building site** must, in respect of the **building work**, ensure that:
 - a) no materials are deposited on any part of a road without the approval of **Council** and
 - b) any **builders' waste** which has spilled onto a road, nature strip or surrounding area is removed as soon as practicable.

3. The **builder** or **person** in charge of **building work** on a **building site** must ensure that any **footpath** adjacent to the **building site** or **land** likely to be affected by the **building work**, is kept clear of mud and dirt at all times.
4. On any **land** where any **building work** is being carried out, the **builder** or **person** in charge of **building work** on a **building site** must ensure that any grass or weeds on the site or adjacent nature-strip are:
 - a) maintained at a maximum height of 150mm at all times;
 - b) Prevented from spreading onto adjacent footpaths or kerb and channel-
until completion of the building works.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

7.17 Site fencing and tree protection.

1. The builder or **person** in charge of **building work** on a **building site**, must ensure that, prior to the commencement of any building works and for the duration of the building works, the site is provided with adequate site fencing or gates of a temporary or permanent nature, that:
 - a) are not less than 1800mm in height;
 - b) can ensure all materials and waste for or from the building site are contained within the boundaries of the building site and are capable of preventing waste or litter from being transported from the building site by wind;
 - c) have no more than one access opening to the building site, unless allowed by the asset protection permit applicable to that site;
 - d) has access point/s positioned to correspond with the location of the existing or temporary vehicle crossing/s for the building site, and is/are kept closed at all times when building work is not in progress; and
 - e) site fencing does not protrude into or onto any land other than the building site.
2. Where a builder or **person** in charge of **building work** is responsible for adjoining building sites, they may enclose more than one building site within the boundaries of a continuous site fence.
3. The builder or **person** in charge of **building work**, must ensure that, prior to the commencement of any building works and for the duration of the building works, a tree protection zone (TPZ) is provided, with adequate temporary fencing around any tree within the adjacent road reserve.
4. A TPZ must comply with the requirements set out in Council's **Building Site Management Code of Practice**.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

Part 8



Local Law Permits

This part explains the process Council officers will adhere to in relation to the issuing and management of Local Law permits. It also sets out Council's power in relation to correction, amendment, suspension or cancellation of permits. The rights and responsibilities of permit holders are also explained.

8.1 Local Law permits

The purpose of this part is to ensure the:

- a) uniformity of **permits** granted for any matter under this Local Law, and
- b) conformity of **permit** conditions with relevant **Council** policy and guidelines.

8.2 Permit considerations

In deciding whether to grant a **permit** under this Local Law, *Council* may take into consideration whether the proposed use or activity will:

- (a) comply with any related policies of **Council** ;
- (b) cause a danger or hazard to pedestrians, other users or *vehicles*;
- (c) disturb, annoy or disrupt adjacent property owners or occupiers;
- (d) be detrimental to the amenity of the area;
- (e) be done without destruction to vegetation on *roads* or **Council land**;
- (f) have the potential to cause damage to **Council assets**;
- (g) require approval or compliance with requirements under any other legislation;
- (h) require the consent, or should be referred to obtain the opinion, of any other *public authority*;
- (i) require additional arrangements to be made for wastewater disposal, litter and garbage disposal, lighting and security and *advertising signs*;
- (j) obstruct a *footpath*, shared user path or cycleway;
- (k) necessitate the applicant to have insurance against any risk;
- (l) necessitate a written indemnification of **Council** against liability arising from activities authorised by the **permit**; and
- (m) require consideration of any other matters relevant to the circumstances of the application.

8.3 Applications for permits

1. Before dealing with an application for a permit, Council or an authorised officer may require an applicant to provide additional information or to give public notice of the application.
2. An application for a permit must be accompanied by the appropriate fee where applicable.
3. Council may:
 - a) grant the permit;
 - b) refuse to grant the permit;
 - c) grant the permit subject to conditions; or
 - d) determine that no permit is required.
4. A permit will be in the form approved by Council from time to time and may include any condition which Council considers to be reasonable and appropriate, including:
 - a) a requirement that a security bond, release, indemnity and/or guarantee (in a form specified by Council) be lodged with or given to Council to secure the proper performance of the permit;
 - b) a requirement that notice be given to Council as to when the activities authorised by the permit will be carried out or will occur;
 - c) a time limit on the permit or on the activities authorised by it;
 - d) a provision for the extension of the permit;
 - e) the payment of a fee, charge, fare or rent;
 - f) a standard to be applied;
 - g) that the permit is conditional on the happening of a certain event or prerequisite;
 - h) that the permit is conditional upon the rectification, remedying or restoration of any situation or circumstance; and
 - i) where the applicant is not the owner of the land that the consent of the owner be obtained.

8.4 Compliance with permits

1. Any **person** who fails to comply with any requirement or condition of a **permit** granted to them is guilty of an offence.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

8.5 Security bonds and guarantees

1. The value of any *security bond or guarantee* required under an *Asset Protection Permit* or *Civil Works Permit* will be proportionate to the likely cost of repairing potential damage to existing assets vested in *Council* and will be set by *Council* as part of its Annual Budget. Council may introduce a security bond or guarantee in relation to any property, undertaking, good, service or other act, matter or thing under this Local Law.

2. Council may prescribe the amount which is payable in respect of any security bond or guarantee.
3. Council may provide for specific security bond or guarantee amounts, maximum or minimum security bond or guarantee amounts, maximum and minimum security bond or guarantee amounts, scales of security bond or guarantee amounts according to the value of risk associated with the undertaking or project being assessed, the payment of security bonds or guarantees either generally or under specified conditions or in specified circumstances, the reduction, waiver or refund in whole or in part of the security bond or guarantee.
4. Council may when waiving or refunding, in whole or in part, of a security bond or guarantee, the reduction, waiver or refund may be subject to conditions, in respect of certain matters or transactions or classes of matters or transactions, in respect of certain documents or classes of documents, when an event happens, in respect of certain persons or classes of persons, or in respect of any combination of matters, transactions, documents, events or persons.

8.6 Correction, amendment, cancellation and suspension

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**, premises or thing referred to in the **permit**.
2. **Council** may cancel, suspend or amend a **permit** at any time, if:
 - a) it is requested to do so by the **permit holder** or
 - b) it considers that there has been:
 - i. a material misstatement or concealment of fact in relation to the application for the **permit**
 - ii. any material mistake in relation to the grant 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 Council is satisfied that there has been a substantial failure to comply with a:
 - a) **permit** condition, or
 - b) **Notice to Comply** issued under this Local Law, relating to the premises, item or activity to which the **permit** relates.

8.7 Exemptions

Council may by resolution exempt any **person**, class of **persons**, article, item, or anything from requirement to obtain a **permit** under this Local Law.

8.8 Permit register

Council must keep a register of applications for **permits** granted under this Local Law.

8.9 Permit expiry date

A **permit** expires on the date specified in the **permit**. If no expiry date is shown on a permit, it expires 12 months from the date of issue.

8.10 Public utilities

1. A public utility, or a **person** employed by or acting on behalf of a public utility, is not required to obtain a **permit** under this Local Law, in respect of work which is for the purpose of the public utility.
2. A **person** who, but for this clause, would be required to obtain a **permit** in respect of any activity must notify **Council** of the activity prior to its commencement.

8.11 Appeals

1. *Any **person** who is aggrieved by any decision of Council in relation to the issuing, correction, amendment, suspension or cancellation of a permit issued under this Local Law may make a written or oral submission for consideration by **Council**.*
2. *Such submission must be lodged within 14 days of the date shown on the notice from which the submission request arises. If the person wishes to make an oral submission, they must write to Council within that 14-day period and make a request to be heard orally. Upon receipt of that request, Council will make the necessary arrangements.*
3. Upon receipt of a submission and provided that there is no immediate threat to a person, animal or property, Council will suspend the decision referred to sub-clause (1), pending the conclusion of the review there-of.



Part 9

Alcohol

Whilst recognising that these activities are also governed by legislation, this part aims to control the consumption of alcohol in public places, to assist in ensuring that such activity does not detrimentally affect the safety and amenity of such places.



9.1 Consumption and possession of alcohol

1. **Council** may designate any area or areas within the **municipal district** within which a **person** must not consume any **alcoholic beverage** or have in their possession any **alcoholic beverage** in an unsealed container and the times and dates during which such restrictions are to be in place.
2. Any designation of areas, times and dates under clauses 9.1(1) must be published by **Council** by giving public notice at least 14 days before the restrictions are to be introduced by:
 - a) Distributing a media news alert throughout Victoria of the restrictions to be introduced
 - b) posting notices on a publicly accessible notice board at the principal office of **Council** posting notice on **Council's** website and social media of the restrictions to be introduced and
 - c) retaining a copy of the public notification in the register of determinations to be kept with this Local Law from the date of the notice until the restrictions have ceased to operate.
3. **Council** must cause any designated area to be signposted with sufficient signs to indicate to any **person** entering the area designated under clause 9.1(1) the nature of any such restrictions and the times and dates during which such restrictions are in place.
4. A **person** must not without a **permit** take any **alcoholic beverage** into an area designated under clause 9.1(1) during the time and on the dates during which restrictions are in place.
5. A **person** must not, without a permit, have in their possession or under their control any unsealed container of **alcoholic beverage** or consume any **alcoholic beverage** in an area designated under clause 9.1(1) during the time and on the dates during which restrictions are in place.
6. Except in accordance with a **permit** granted by **Council** or an **authorised officer** or on licensed premises, a **person** must not, within any **Council building**:
 - a) consume any **alcoholic beverage**; or
 - b) have in his or her possession or control any **alcoholic beverage** other than **alcoholic beverage** in a sealed container; or
 - c) sell any **alcoholic beverage** to any **person**.

Unless it is an event or occasion sponsored or conducted by **Council**.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

Part 10



Activities on Council land

This part contains provisions which aim to enhance the appearance of streets and public places by controlling the placement of advertising signs in public places within the municipality. It also covers the placement of goods and the like in public places and the soliciting of gifts and money, busking, selling and other similar behaviour. This part should be read in conjunction with Council's "*Footpath Furniture Trading Code of Practice*" as made and amended by *Council* from time to time and published on *Council's* website.

10.1 Obstructions

1. A **person** must not, without a **permit**, place, authorise to be placed, or allow any obstruction that is on, over or affecting:
 - (a) **Council land**;
 - (b) **a road or road related area**; or
 - (c) **a public place**.
2. Sub-clause 1 does not apply in circumstances where the obstruction arises out of a lawful and reasonable use of a road or road related area.

Penalty	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

10.2 Mobile billboards

1. A **person** must not, without a **permit**, place a mobile billboard on:
 - a) **a road, a road related area, Council land**; or
 - b) any other location likely to obstruct the line-of-sight of a pedestrian or driver.
2. If a mobile billboard is placed in breach of sub-clause 10.2(1) any person, body or entity named on the billboard, including without limitation the person engaged to place the billboard, is guilty of an offence.

Penalty	
On the spot infringement	5 penalty units
Maximum court penalty	10 penalty units

10.3 Camping on public property

A **person** must not, without **written consent** of Council, camp in the **municipal district** either on **Council land** or any **public place**, in a:

- a) tent
- b) caravan
- c) vehicle
- d) mobile camper van or
- e) other temporary **dwelling** or makeshift structure

unless the **land** is a registered caravan park or camping ground.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

10.4 Collections

A **person** must not without a **permit** solicit or collect gifts of money or subscriptions or cause or permit any other **person** to do so from any:

- a) **road**
- b) **footpath** or
- c) from house to house adjacent to any **road**.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

10.5 Busking

A person must not busk on a road, road related area or Council land, unless allowed by festival, procession or special event permit issued under this Local Law.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

10.6 Festivals or processions

1. A **person** must not, without a **permit**, hold a street festival or procession on any Council land.
2. In determining whether to grant a **permit** for a street festival or procession **Council** must have regard to any guidelines determined by **Council**.
3. Any application to conduct a street festival or procession must be made to **Council** at least 90 days before the event is to take place.
4. A street festival or procession may not be held on any road within the municipality, unless the consent of both the Victoria Police and the relevant coordinating road authority has been obtained.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

10.7 Filming on Council land

1. A **person** must not, without a **permit**, engage in any commercial **filming** on any **Council land**.
2. In considering whether or not to issue a permit for commercial filming, Council will have regard to the **Film Friendly principles** and any related guidelines created under the **Filming Approval Act 2014**.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	20 penalty units

10.8 Outdoor advertising signs and display of goods for sale

1. A **person** must not without a **permit**:
 - a) place or allow to be placed, any **advertising sign** on a road, Council asset or on **Council land**
 - b) display, sell or allow to be displayed or sold, any goods or services on a road or on **Council land**
2. In addition to any other condition which may be imposed by **Council permits** granted under clause 10.8(1) are subject to the following conditions:
 - a) that the **permit holder** comply with any relevant code or guidelines adopted or incorporated into this Local Law by **Council** and
 - b) that the **advertising sign** or goods be removed or moved upon the verbal or written request of an **authorised officer**, a member of the Police Force or a member of an emergency service.
3. A **person** must not, without a **permit**, paint or draw on any road or pavement.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

10.9 Outdoor eating facilities

1. A **person** must not without a **permit**, operate or allow to be operated, any **outdoor eating facilities** on a **road**, **Council asset** or on **Council land**.
2. In addition to any other condition which may be imposed by **Council**, **permits** granted under clause 10.9(1) are subject to the following conditions:
 - a) that the **permit holder** complies with any relevant code or guidelines adopted by **Council**
 - b) that any item or thing on or within an **outdoor eating facility** be removed or moved upon the verbal or written request of an **authorised officer**, a member of the Police Force or a member of an emergency service.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

10.10 Trading to a person on a road or from door to door

1. A **person** must not, without a **permit**, sell or offer for sale any goods or services from any premises or public place adjacent to a road to any **person** who is on that road or public place.
2. A **person** must not without a **permit** sell or offer for sale any goods or services from house to house adjacent to any road or cause or **permit** another **person** to do so.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units



Part 11

Municipal places, buildings and reserves

This part contains provisions which aim to protect the amenity of municipal places, buildings and reserves for the community, by controlling conduct in such places and by prohibiting persons from causing damage or acting in a socially unacceptable manner.

11.1 Clothing recycling bins

A **person** must not, without a **permit**, place a **clothing recycling bin** on any **Council land** in the **municipal district**.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

11.2 Damage to Council assets

1. A **person** must not, without a **permit**, destroy, damage, cut, trim, prune, remove or otherwise interfere with a street tree or vegetation, or trees or vegetation on any **Council Land**, including **reserves** and **foreshore reserves**.
2. A person must not, without the consent of **Council** or a **Council officer**, destroy, damage, interfere with or deface **Council Land**, or anything located at or on **Council Land**.
3. A person must not, without the consent of **Council** or a **Council officer**, remove an object that belongs to **Council**, from **Council Land**.

<u>Penalty</u>	
On the spot infringement	4 penalty units
Maximum court penalty	20 penalty units

11.3 Regulation of reserves

1. A **person** must not without a **permit, licence** or **authority** issued by **Council under this Local Law**:
 - a) **advertise, supply, sell** or offer for sale any food, drink, goods or services; or
 - b) **hire** or offer for **hire** any goods or services, on a reserve or a foreshore reserve.
2. A **person** must not, without a **permit, licence** or **authority** issued by **Council under this Local Law**:
 - a) conduct, organise or participate in any competitive game or sport on a reserve or foreshore reserve, contrary to any sign indicating restrictions on such activities;
 - b) engage in, play or practice any ball game, including golf or other sport on a reserve or foreshore reserve, contrary to any sign indicating restrictions on such activities;

- c) ride or lead a horse or cause or authorise another **person** to ride or lead a horse upon a **reserve** or **foreshore reserve** except locations where there are signs permitting that activity;
 - d) operate or cause to be operated on a reserve or foreshore reserve any amusement for which a charge or fee is made or demanded;
 - e) ride or drive any vehicle, including a bicycle or electric scooter, into or on any **reserve** or **foreshore reserve** except on a **road, track** or **path** provided for the driving of vehicles, in relation to accessing **parking** provided in that **reserve** or **foreshore reserve**. This sub-clause does not apply to persons using a mobility scooter;
 - f) park a vehicle on a **reserve** or **foreshore reserve** except locations where there are signs permitting parking;
 - g) engage in any activity or behaviour in a reserve or foreshore reserve, bearing a **Council** sign prohibiting or regulating such activity or behaviour;
 - h) provide personal/fitness training, dog training, drone training or any other form of professional instruction.
3. A **person** must not engage in any activity or behaviour on a **reserve** or **foreshore reserve** which is offensive, disorderly or reasonably likely to cause significant risk or interfere with the quiet enjoyment of the reserve by any other **person**.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

11.4 Access to reserves

- 1. Except as otherwise provided in this Local Law, reserves will be open to the public at all times.
- 2. **Council** may determine days and times during which a reserve will not be open to the public generally.
- 3. A **person** must not enter a reserve when it is closed to the public unless that **person** does so subject to any conditions of entry determined by **Council**.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

11.5 Special events or festivals

1. **person** must not, without a **Permit**, conduct a:
 - a) **special event**
 - b) or **festival**on or within any Council **land**.
2. In determining whether to grant a **permit** for a **special event** or **festival**, **Council** must have regard to any guidelines determined by **Council**.
3. Any application to conduct a **special event** or **festival** or must be made to **Council** at least 90 days before the event is to take place or any other such time as specified by any guidelines determined by **Council**.

<u>Penalty</u>	
On the spot infringement	5 penalty units
Maximum court penalty	10 penalty units

11.6 Fireworks at special events or festivals

1. A person must not, without a permit, set off fireworks at a special event or festival.
2. An application for a permit must be made to Council at least 42 days before the setting off of the fireworks.
3. In determining whether to grant a permit for fireworks at a special event or festival, Council must have regard to any guidelines determined by Council.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

11.7 Glass and Sharp Objects on a beach

1. A person must not place or leave any glass or sharp object on a **beach** so as to create a:
 - a) hazard or
 - b) dangerto any person on the **beach**.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

11.8 Glass Free Areas

1. Council may designate any area or areas within the municipal district within which a Person must not have in their possession any glass container, bottle, or like thing without a permit and the times and dates during which such restrictions are to be in place.
2. Any designation of areas under sub-clause (1) must be published by Council by giving public notice at least 14 days before the restrictions are to be introduced by:
 - a) Posting notices on a publicly accessible notice board at the principal office of Council
 - b) Posting notices on Council's website and social media pages and
 - c) Retaining a copy of the public notice in the register of determinations to be kept with this Local law from the date of notice until the restrictions have ceased to operate.
3. A Person must not have in their possession or under their control any glass container, bottle or like thing:
on a beach or
in an area designated under sub-clause (1) during the time and on the dates during which restrictions are in place.

<u>Penalty</u>	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

11.9 Personal watercraft and recreational vessels launching

1. Council may, by resolution, designate an area or areas in which personal watercraft and recreational vessels may be transported onto or across the foreshore reserve.
2. A person must not take a personal watercraft or recreational vessel onto or across the foreshore reserve other than by boat launching facility or an area designated by Council for that purpose.
3. (3) An authorised officer may direct a person not to use a Council boat launching facility if, the use of the boat launching facility would cause a significant risk to the safety of any person.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

11.10 Power of an authorised officer on the foreshore reserve

1. An **authorised officer** may require the **owner** or the **person** in charge of any watercraft or other vessel to remove that item from any area on the **foreshore reserve** in which it is not permitted.
2. A person who fails to comply with a direction given under this clause is guilty of an offence.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

Part 12

Noise

Noise control is important to balance the expectations of residents for amenity in the local environment with the right of people undertaking lawful activities.

12.1 Noise from industrial waste collection

A **person** must not, without a **permit**, collect industrial waste from any road or road related area or public place within the **municipal district** except between the following hours:

- a) if one collection is made each week:
 - (i) 6.30am to 8.00pm on Mondays to Saturdays
 - (ii) 9.00am to 8.00pm on Sundays and public holidays.
- b) if two or more collections are made each week:
 - (i) 7.00am to 8.00pm on Mondays to Saturdays
 - (ii) 9.00am to 8.00pm on Sundays and public holidays.

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	10 penalty units

12.2 Noise from vehicle sound equipment

1. A **person** in control of a vehicle which is parked, standing upon, or being driven along, a **road**, **Council land** or in a **public place**, must not operate any sound equipment installed in or kept in the vehicle in a manner which causes unreasonable noise, or which interferes with the reasonable comfort of persons within the proximity of the vehicle.
2. An **owner** or **occupier** of industrial, **commercial** or trade **premises** must ensure that any reverse or back up beepers from such industrial, **commercial** or trade **premises** is or are not audible within a habitable room of **residential premises** between 6.00pm and 9.00am.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

12.3 Noise from deliveries to businesses

1. An **owner** or **occupier** of a business premises must not cause or allow unreasonable noise to be generated by the delivery of goods to any:
 - a) commercial
 - b) industrial
 - c) trade or
 - d) retail premisesduring the hours set out in the table below.

Time	Day
10pm - 7am	Monday to Friday
10pm - 9am	Saturdays, Sundays and public holidays

<u>Penalty</u>	
On the spot infringement	2 penalty units
Maximum court penalty	20 penalty units

12.4 Noise from intruder alarms

1. An **owner** or **occupier** of any residential premises must not:
 - a) install or allow to be installed or
 - b) retain or cause to be retained in an active stateat or upon any such premises, any intruder alarm which emits a **noise** audible beyond the boundary of the premises, unless such alarm is designed and operates so as to ensure that:
 - c) whenever a detection device is activated, the intruder alarm is automatically rendered inaudible beyond the boundary of the premises, within 10 minutes of it being activated
 - d) the intruder alarm cannot re-activate until the detection device has been manually re-set.

<u>Penalty</u>	
On the spot infringement	1 penalty units
Maximum court penalty	5 penalty units

Part 13

Enforcement

13.1 Offences and penalties

1. A person who:
 - a) contravenes or fails to comply with any provision of this Local Law;
 - b) contravenes or fails to comply with any provision of an incorporated document;
 - c) breaches or fails to comply with a condition of a permit issued under this Local Law;
 - d) fails to obtain a permit when a permit is required;
 - e) fails to comply with a Notice to Comply issued under this Local Law;
 - f) fails to comply with a sign erected by Council;
 - g) fails to comply with a Notice of Impoundment served by an authorised officer;
 - h) fails to comply with a verbal or written direction issued by an authorised officer; or
 - i) knowingly supplies false or misleading information to an authorised officer –is guilty of an offence and is liable to –
 - (i) a maximum penalty of twenty penalty units and
 - (ii) a further penalty of two penalty units for each day after a finding of guilt or conviction for an offence during which the contravention continues.

13.2 Infringement notices

1. Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, an infringement notice may be issued and served on that person.
2. The fixed penalty for that offence is the penalty specified as an “*Infringement Notice Penalty*” at the foot of the relevant provision to which the offence relates and, in the table shown at Schedule 1.
3. If no penalty amount is set out for any provision of this Local Law, the infringement penalty shall be two (2) penalty units and the maximum penalty shall be ten (10) penalty units.

Part 14

Governance rules

- 1. This part sets the requirements which aim to ensure the facilitation of good governance of Hobsons Bay City Council, to provide procedures to regulate the use or misuse of the Common Seal or any petition or joint letter, and to create offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees. This part should be read in conjunction with the *City of Hobsons Bay Governance Rules* as made and amended by Council from time to time and published on *Council ’s* website.

14.1 Conduct at meetings

It is an offence for a **person**, other than a **councillor**, to fail to comply with City of Hobsons Bay *Governance Rules*, in respect of **behaviour** at *Council* meetings or meetings of a *Delegated Committee*.

Penalty	
On the spot infringement	3 penalty units
Maximum court penalty	10 penalty units

Schedule 1: Infringement offences and penalties for Infringement Notices

Penalty units as described in this Local Law are in accordance with the *Local Government Act 2020* (section 71(7)), *Sentencing Act 1991* (section 110(1)) and *Monetary Units Act 2004* (section 5(3)).

The table below outlines the infringement notice penalty units and maximum penalty units in relation to offences against this Local Law.

Clause	Offence	Infringement Penalty Units	Maximum Penalty Units
Administration			
2.5	Failure to comply with Notice to Comply	3	10
Your property			
3.1	Displaying property numbers	1	5
3.2	Fencing of vacant land	2	10
3.3	Unightly property	2	10
3.4	Dilapidated buildings	4	20
3.5	Dangerous land	2	10
3.6	Use, collection and storage of domestic waste bins	3	15
3.7	Hard waste	2	10
3.8	Commercial waste	2	10
3.9	Public waste bins	2	10
3.10	Camping on private property	1	5
3.11	Shipping containers	2	10
3.12	The location of trees, plants, signs etc.	1	5
3.13	Protection and use of drains	3	10
3.14	Tapping into drains	3	10
3.15	Placement of bulk rubbish containers	3	10
3.16	Tree removal -private land	4	20
Your Animals			
4.1(1)	Permitted animals	2	10
4.1 (2)	Housing of poultry, pigeons and small birds	1	10
4.2	Keeping of animals	1	10
4.3	Animal litter	2	10
4.4	Animals in Council buildings	1	5
4.5	Pests and stray animals	1	5
Fire Safety			
5.1	Chimneys	2	10
5.2	Fires in the open	2	10
Vehicle and Roads			
6.1	Behaviour involving motor vehicles	2	10

Clause	Offence	Infringement Penalty Units	Maximum Penalty Units
6.2	Sale of a motor vehicle	1	5
6.3	Abandoned, derelict or unregistered vehicles	1	5
6.4	Repair and storage of vehicles	1	5
6.5	Mobile cranes	3	15
6.6	Off Street parking of heavy/long vehicles	2	10
6.7 (1)	Shopping trolleys	1	5
6.7 (2)(3)	Proprietor/shopping complex responsibilities- shopping trolleys	2	10
6.8	Recreational vehicle	2	10
Builders and Building Works			
7.1	Building Site Code of Practice	5	20
7.2 (1)-(5)	Vehicle crossing is required	3	15
7.2(6)	Land to be accessed by vehicle crossings	2	10
7.2(7)(8)	Vehicle crossing construction/maintenance	3	15
7.3	Council assets	5	20
7.4	Building works – outside allowed times	5	20
7.5	Asset Protection Permit requirements	5	20
7.7	Vehicle crossing and building works	3	10
7.8	Fail to notify commencement of works	5	20
7.9	Occupation of road – Civil Works Permit is required	5	10
7.10	Opening or Excavation of Roads – Civil Works Permit required.	5	10
7.13	Provision of a bulk waste container	5	15
7.14	Disposal of builders' waste	5	15
7.15	Removal of builders' waste	5	15
7.16	Surrounding site protection	5	20
7.17	Site fencing and tree protection	5	20
Local Law Permits			
8.4	Compliance with permits	2	10
Alcohol and smoking			
9.1 (4)-(6)	Consumption and possession of alcohol	2	10
Activities on Council Land			
10.1	Obstructions	2	10
10.2	Mobile billboards	5	20
10.3	Camping on public property	2	10
10.4	Collections	2	10
10.5	Busking	1	5
10.6	Festivals or processions	2	10
10.7	Filming on Council land	5	20

Clause	Offence	Infringement Penalty Units	Maximum Penalty Units
10.8	Outdoor advertising signs and display of goods for sale	3	10
10.9	Outdoor eating facilities	3	10
10.10	Trading to a person on a road or from door to door	3	10
Municipal Places, Buildings and Reserves			
11.1	Clothing recycling bins	2	10
11.2	Damage to Council assets	4	20
11.3	Regulation of reserves	2	10
11.4	Access to reserves	2	10
11.5	Special events or festivals	5	10
11.6	Fireworks at special events or festivals	3	10
11.7	Glass and sharp objects on a beach	3	10
11.8	Glass Free Areas	3	10
11.9	Personal watercraft and recreational vessel launching	2	10
11.10	Fail to comply with authorised officer requirement	2	10
Noise			
12.1	Noise from industrial waste collection	2	10
12.2	Noise from vehicle sound equipment	1	5
12.3	Noise from deliveries to businesses	2	20
12.4	Noise from intruder alarms	1	5
Governance Rules			
14.1	Conduct at meetings	3	10