



Banyule City Council
General Local Law No. 1 (2015)

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Part 1 PRELIMINARIES

1.1 Title

This Local Law is known as the General Local Law No. 1 (2015).

1.2 Objectives

The objectives of this Local Law are to provide for the peace, order and good government of the *municipal district* by:

- providing for the delegated authority to issue *permits*, impound items or things, set fees and charges, and enforce provisions of the Local Law, including offences, penalties, *Notices to Comply*, appeals and infringement notices;
- protecting any asset vested in, controlled or owned by *Council*;
- ensuring the safety and amenity of the municipality by controlling activities associated with *building* or construction work;
- protecting the safety of *road* users and the amenity of the municipality and providing for the fair and equitable use of *Council Land*;
- providing for parking *permits* in areas designated by *Council* and to allow for appropriate use of, and prevent the sale or trade of, *Council* issued parking *permits*;
- controlling the consumption and possession of alcohol on a *public place*, where such consumption or possession may interfere with the amenity and enjoyment of the *public place* by the community;
- controlling behaviour and activities to ensure the fair and equitable use of *Council Land* and prohibiting *persons* from causing damage to a *municipal place* or endangering the safety of other persons on *Council Land*;
- preserving and enhancing amenity, neighbourhood character, health and public safety by regulating certain activities of *owners* or *occupiers* of *land*;
- minimising the adverse impact of *animals* kept as pets on the community;
- protecting the health and wellbeing of the community by regulating certain activities;
- regulating the impact of business activity on the environment, public health and amenity;
- ensuring the amenity of *Council's municipal district* is maintained through the safe and efficient collection of domestic *waste* and *hard waste* placed on a *road* for collection, and the depositing of *waste* in street bins and park bins.

1.3 Authorising Provisions

This Local Law is a Local Law made under Section 111 of the *Local Government Act* 1989 and Section 42 of the *Domestic Animals Act* 1994.

1.4 Commencement Date

This Local Law commences operation on the 15 April 2015.

1.5 Cessation Date

This Local Law ceases to operate on the 15 April 2025.

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1.6 Application

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

1.7 Exemptions

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

1.8 Revocation of Previous Local Law

On the commencement of this Local Law, Council's Local Law No. 1 (2005) – General Local Law is revoked.

1.9 Definitions

Any wording in italics in this Local Law is a defined term and means as follows:

Words	Meaning
<i>Act</i>	means the <i>Local Government Act</i> 1989, as amended from time to time.
<i>alcohol restriction area</i>	means an area declared by <i>Council</i> prohibiting the consumption of alcohol.
<i>animal</i>	has the same meaning as in the <i>Summary Offences Act</i> 1966.
<i>Asset Protection Permit Bond</i>	means the sum of money paid or payable or guarantee made to <i>Council</i> in respect of potential loss to <i>Council</i> resulting from <i>building works</i> .
<i>Authorised Officer</i>	means any <i>person</i> appointed by the <i>Council</i> to be an <i>Authorised Officer</i> pursuant to Section 224 of the <i>Act</i> or treated by Section 224A of that <i>Act</i> to have been either in relation to the whole of this Local Law or to a particular portion of it in which the term is used.
<i>builder</i>	means <ol style="list-style-type: none">(a) a <i>building</i> practitioner under the <i>Building Act</i> 1993; and(b) a builder under the <i>Domestic Building Contracts Act</i> 1995; and(c) an <i>owner</i> of the <i>building</i> site.
<i>building</i>	has the same meaning as in the <i>Building Act</i> 1993.
<i>building site</i>	means any <i>land</i> on which <i>building work</i> is being undertaken.
<i>building work</i>	has the same meaning as: <ol style="list-style-type: none">(a) in the <i>Building Act</i> 1993; and(b) <i>domestic building work</i> in section 5 (1) (e) of the <i>Domestic Building Contracts Act</i> 1995.

<i>Bulk Rubbish Container</i>	means a bin, skip or other container used for the deposit of <i>waste</i> , but excludes a wheeled mobile <i>waste</i> bin used in connection with <i>Council's waste</i> collection service.
<i>busk and busking</i>	means entertainment that includes playing a musical instrument, singing, conjuring, juggling, mime, mimicry, dance, puppetry, performance art, pavement drawing of any form, recitation and other appropriate theatrical and visual forms.
<i>by-products of combustion</i>	includes but not limited to smoke, ash, particulates and odour.
<i>camp</i>	has the same meaning as <i>camping</i> .
<i>camping</i>	means to erect, occupy or use a tent, any temporary makeshift or similar structure, or to park, occupy or use any caravan or similar mobile accommodation vehicle, a <i>motor vehicle</i> or <i>trailer</i> for the purpose of accommodating a <i>person</i> .
<i>Charity Recycling Bin</i>	means a bin or similar structure used by organisations for the collection of used clothing or other household goods for recycling purposes for charities.
<i>Chief Executive Officer</i>	has the same meaning as in the <i>Local Government Act 1989</i> .
<i>chimney</i>	means a permanently fixed structure which provides ventilation for hot flue gases or smoke from the combustion of a fuel, such as wood.
<i>Council</i>	means Banyule City Council.
<i>Council Land</i>	means all <i>land</i> : (a) owned, leased, managed or occupied by the <i>Council</i> . (b) vested in or under the control of <i>Council</i> and which it has a duty to maintain.
<i>dilapidated</i>	means <i>buildings</i> fallen into a state of disrepair, decayed, deteriorated, broken down or a partial ruin through neglect or misuse.
<i>Environmental Health Officer</i>	has the same meaning as in the <i>Public Health and Wellbeing Act 2008</i>
<i>Footpath Trading Policy</i>	means the <i>policy</i> regulating activities that occur on footpaths as adopted by the <i>Council</i> and as amended by the <i>Council</i> from time to time.
<i>footway</i>	includes every footpath, <i>land</i> or other place within the <i>municipal district</i> habitually used by pedestrians, but excludes a <i>road</i> .
<i>graffiti</i>	means inscriptions or drawings scribbled, scratched, sprayed or otherwise applied, as determined by <i>Council</i> , on a surface without authority.

<i>greywater</i>	means domestic wastewater from sources other than the toilet, urinal or bidet (e.g. from showers, baths, spas, hand basins, clothes washing machines, laundry troughs, dishwashers and sinks).
<i>handle</i>	in relation to asbestos, includes but not limited to removing, drilling, cutting, breaking and transporting.
<i>hard waste</i>	means any rubbish of a size, shape, nature or volume that cannot be contained in any mobile waste, organic or recycling bin, any brick, concrete, masonry or engine parts and any other type of rubbish prescribed by <i>Council</i> .
<i>hazardous pests</i>	means nesting and/or swarming <i>animals</i> which potentially pose a risk to the general public as they may be poisonous or capable of delivering stings and include and not limited to fire ants, English and European wasps, feral and/or swarming bees, but does not include <i>animals</i> that not <i>hazardous pests</i> , such as honey bees within an apiary, and <i>animals</i> kept as pets and <i>nuisance pests</i> .
<i>incinerator</i>	means a structure, device or piece of equipment which is designed adapted, used or capable of being used for the burning of any material or substance and which is not enclosed in any <i>building</i> , a barbeque or licensed under the provisions of the <i>Environment Protection Act 1970</i> .
<i>itinerant trading</i>	means <i>selling</i> or offering for sale or hire goods or services from a temporary location, from place to place, from door to door, or from a <i>vehicle</i> , including mobile food vans.
<i>kerb</i>	means <i>kerb</i> and channel, barrier <i>kerb</i> , mountable <i>kerb</i> and semi-mountable <i>kerb</i> and includes all <i>kerb</i> profiles approved by <i>Council</i> .
<i>land</i>	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
<i>litter device</i>	means an apparatus for the purpose of removing dog faeces and includes a paper or plastic bag.
<i>motor cycle</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>motor vehicle</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>municipal district</i>	means the area encompassed by the boundaries of the City of Banyule.
<i>municipal place</i>	means the area which the public as the public may go (whether an admission fee is required or not) of a Library, <i>building</i> , golf course, swimming pool or recreation centre which is owned, managed or under the control of <i>Council</i> .

<i>nuisance pests</i>	means <i>animals</i> that typically do not pose a risk to public health, but however may be of ‘nuisance value’, or an economic pest within the community and includes but not limited to ants (non-biting species), spiders (non-poisonous), millipedes, gastropods (snails, slugs), silverfish, possums, feral cats, bats, pigeons, termites, rabbits.
<i>Notice to Comply</i>	means a <i>Notice to Comply</i> issued in accordance with Clause 2.6.2 of this Local Law (page 15).
<i>occupier</i>	has the same meaning as in the <i>Environment Protection Act 1970</i> .
<i>other suitably qualified person</i>	means a <i>person</i> that <i>Council’s Environmental Health Officer</i> is satisfied as being competent to undertake an inspection and report upon the operating condition of <i>septic tank systems</i> .
<i>owner (in relation to a building)</i>	has the same meaning as set out in the <i>Building Act 1993</i> .
<i>owner (in relation to a motor vehicle or trailer)</i>	means the registered <i>owner</i> of the <i>motor vehicle</i> or <i>trailer</i> , or a <i>person</i> who has possession of the <i>motor vehicle</i> or <i>trailer</i> .
<i>owner (in relation to any land)</i>	has the same meaning as set out in the <i>Local Government Act 1989</i> .
<i>owner (in respect of a dog or cat)</i>	has the same meaning as set out in the <i>Domestic Animals Act 1994</i> .
<i>penalty unit</i>	has the same meaning as set out in Section 110 of the <i>Sentencing Act 1991</i> .
<i>person</i>	has the same meaning as set out in the <i>Interpretation of Legislation Act 1984</i> .
<i>policy</i>	means a <i>policy</i> adopted by <i>Council</i> from time to time for the purpose of the particular provision in which the term is used.
<i>permit</i>	means a written <i>permit</i> issued in accordance with this Local Law which authorises that use or activity including an <i>Asset Protection Permit</i> .
<i>public place</i>	has the same meaning as in the <i>Summary Offences Act 1966</i> .
<i>purpose built, outdoor cooking and/or heating device</i>	includes, but not limited to a barbeque or other device used for the sole purpose of cooking food, a fire within a brazier or chimenea or similar device, being used exclusively for heating purposes.
<i>recreational vehicle</i>	means any vehicle used for recreation and powered by a motor including a mini-bike, <i>motor cycle</i> , motor scooter, quad-bike, go-cart or any other motorised vehicle being used for a recreational purpose, but does not include a motorised wheelchair or mobility scooter (an electrically powered scooter designed for people with restricted mobility, typically those who are elderly or disabled).

<i>refuse</i>	means all <i>waste</i> or rubbish produced or accumulated in or on any property.
<i>road</i>	has the same meaning as in the <i>Local Government Act 1989</i> .
<i>sell</i>	includes: (a) barter, offer or attempt to <i>sell</i> , 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) <i>sell</i> for re-sale.
<i>septic tank system</i>	has the same meaning as in the <i>Environment Protection Act 1970</i> .
<i>store</i>	in relation to asbestos, means the act of storing or the state of being stored. <i>Note: This only applies to asbestos if the site is not considered a worksite.</i>
<i>trade waste</i>	means matter arising from or generated by any trade, industry or commercial undertaking.
<i>trailer</i>	has the same meaning as in the <i>Road Safety Act 1986</i> .
<i>vermin</i>	means <i>animals</i> that are vectors of human disease and include and not limited to rats, mice and mosquitoes, and <i>animals</i> which are capable of readily spreading disease with their faeces, but does not include <i>animals</i> kept as pets and <i>nuisance pests</i> .
<i>waste</i>	means any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid), but does not include recyclables, such as polystyrene on <i>building sites</i> where a Code of Practice exists.

Part 2 ADMINISTRATION AND ENFORCEMENT

2.1 Purpose

The purpose of this part is to provide for the delegated authority to issue *permits*, impound items or things, set fees and charges, and enforce provisions of this Local Law, including offences, penalties, *Notices to Comply*, appeals and infringement notices.

2.2 Delegations and Authorisations

In accordance with section 114 of the *Act*, the *Council* hereby delegates:

1. to the *Chief Executive Officer*, and
2. to all *persons* who are members of staff of *Council* appointed as an *Authorised Officer*, and
3. to any *person* for the time being acting for these *persons* –

all the powers, discretions, authorities and considerations of *Council* under this Local Law including the powers, discretions and authority to issue or refuse *permits*, amend, revoke, suspend or cancel any *permit*, fix conditions and durations of time relevant to *permits*, require additional information, apply guidelines or policies of *Council*, waive the need for any *permit*, waive any fee or charge, to issue, amend, revoke, suspend or cancel any *Notice to Comply* or to do any act, matter or thing necessary or incidental to the exercise of any function or power by the *Council*.

2.3 Permits

2.3.1 Permit Applications

1. An application for a *permit* must be in the form prescribed by *Council* from time to time and must be accompanied by the appropriate fee, as determined by *Council* from time to time.
2. *Council* may require additional information to enable an application for a *permit* to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.
3. *Council* may require a *person* making an application for a *permit* to give notice of the application to *persons* who may be affected by the granting of the *permit* which will entitle those *persons* to make a submission which must be considered by *Council* before a determination is made on the application.

2.3.2 Consideration of Permits

1. In considering an application for a *permit*, *Council* must consider any:
 - (a) *policy*, code of practice or guideline approved by *Council* from time to time;
 - (b) written objection, submission or comment received by any *person*, public body or community organisation in respect of the application; and
 - (c) other relevant matter.
2. A *permit* may be issued with or without conditions including, but not limited to:
 - (a) the payment of a fee or charge;
 - (b) a standard to be applied;

- (c) a time limit to be applied either specifying the duration, commencement or completion time or date;
 - (d) the issuing of the *permit* subject to the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance;
 - (f) the granting of some other *permit* which may be required by *Council* whether under this Local Law or otherwise; and
 - (g) any other matter as considered appropriate.
3. If the applicant is not the *owner* of the *land* which is the subject of the application, the consent of the *owner* of the *land* which is the subject of the application, must be provided to *Council* with the application, unless the *land* is owned or controlled by *Council*.

2.3.3 Compliance

A person must comply with the conditions of any *permit* issued by *Council*.

2.3.4 Duration

A *permit* operates from the date it is issued and expires one year after the date of issue, except where expressly stated otherwise in this Local Law or in the *permit*.

2.3.5 Amendment, cancellation or correction

1. *Council* may amend a condition of a *permit* or cancel a *permit* at any time if:
 - (a) it is requested to do so by the *permit* holder; or
 - (b) the *Council* considers that there has been:
 - a material misstatement or concealment of fact in relation to the application for the *permit*;
 - any material mistake in relation to the issue of the *permit*; or
 - any material change of circumstances which has occurred since the grant of the *permit*;
 - there has been a failure to comply with a *permit* condition or *Notice to Comply* relating to the *permit*.
2. *Council* may correct a *permit* issued if that *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*, thing or property referred to in the *permit*.
3. If *Council* proposes to amend a condition of a *permit*, cancel a *permit* or correct a *permit*, it must:
 - (a) give the *permit* holder an opportunity to make submissions on whether the amendment, cancellation or correction should occur; and
 - (b) take into account those submissions in deciding whether to amend a condition of a *permit*, cancel a *permit* or correct a *permit*.
4. If a *permit* holder is not the *owner* of the *land* and the *owner's* consent was required to be given to the application for the *permit*, the *owner* of the *land* must be notified of any amendment, cancellation or correction to a *permit*.
5. *Council* must note any amendment, cancellation or correction of a *permit* in the record/register of *permits*.

2.3.6 Transferability of Permits

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

- (a) personal and authorises only the *person* or agent acting on behalf of the *person* named in the *permit* to carry out the activity authorised; and
- (b) not transferable without the consent of *Council*.

2.4 Impounding

2.4.1 Power to Impound

1. An *Authorised Officer* may impound any item or thing associated with the contravention of this Local Law, from a *person* owning or responsible for that item or thing.
2. As soon as practicable after impounding any item or thing, an *Authorised Officer* must serve a Notice of Impounding on the *owner* or *person* responsible for the item or thing setting out:
 - (a) the fees and charges payable;
 - (b) specifying the time within which the impounded item or thing must be claimed; and
 - (c) that the item or thing, if not claimed, may be disposed of by the *Council*.
3. If an *Authorised Officer* has impounded any item or thing in accordance with this Local Law, the *Council* may *refuse* to release it until the appropriate fee or charge has been paid to the *Council*.
4. Any impounded item or thing not claimed within the time specified on the Notice of Impounding, may be disposed of by the *Council*.

2.5 Fees

2.5.1 Setting Fees and Charges

1. *Council* may from time to time by resolution, determine the fees, charges, guarantee or bond to apply under this Local Law.
2. *Council* may from time to time by resolution, determine an administrative, inspection or processing fee or charge in addition to a standard fee, charge, guarantee or bond applied under this Local Law.
3. *Council* must give reasonable public notice of its resolution to act or alter fees and charges.

2.5.2 Differential or Structured Fees and Charges

In determining any fees and charges *Council* may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

2.5.3 Waiver or Alteration to Fees and Charges

The *Council*, may waive, reduce, alter or refund in whole or in part, any fee, charge, bond or guarantee with or without conditions.

2.6 Enforcement

2.6.1 Offences

A *person* is guilty of an offence if the *person* fails to:

- (a) comply with any provision of this Local Law;
- (b) obtain a *permit* under this Local Law;
- (c) comply with a condition of a *permit* issued in accordance with this Local Law;
- (d) comply with a *Notice to Comply* issued in accordance with this Local Law;
- (e) comply with any direction of an *Authorised Officer*.

2.6.2 Notices to Comply

1. The *Council* may, by serving a *Notice to Comply* in the form or to the effect of Schedule 1, direct any *person* to remedy any thing which constitutes an offence under this Local Law.
2. If a *Notice to Comply* has been issued in relation to a *permit* and the *permit* holder is not the *owner* of the *land* and the *owner's* consent was required to be given for the application of the *permit*, the *permit* holder must notify the *owner* of the *land* of the *Notice to Comply* and the reason why it was served.

2.6.3 Power to Act in Urgent Circumstances

1. An *Authorised Officer* may in urgent circumstances arising from a failure to comply with this Local Law, take action to remedy the situation without the necessity to serve 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;
 - (b) details of the circumstances and remedying action are, as soon as possible, forwarded to the *person* on whose behalf the action was taken.
2. The action taken by an *Authorised Officer* under sub-clause 1. above, must not extend beyond what is reasonably necessary to remedy the risk or danger involved.

2.6.4 Recovery of Costs

A *person* who has breached or failed to comply with this Local Law is responsible for any expense, damage or loss incurred by the *Council* as a consequence of a contravention of this Local Law, in addition to any penalty under this Local Law.

2.6.5 Appeals

1. Any *person* who is aggrieved by any direction or *Notice to Comply* issued in accordance with this Local Law may, within 28 days after the date of issue of the direction or *Notice to Comply*, make written submission for consideration by *Council*.
2. Notwithstanding that a *person* has made a written submission for consideration by *Council* under sub-clause 1. above, that *person* is not relieved of their obligation to comply with the direction or *Notice to Comply*.

2.6.6 Infringement Notices

1. As an alternative to a prosecution, an *Authorised Officer* may serve an infringement notice to any *person* committing or has committed an offence under this Local Law.
2. The infringement notice penalty in respect of an offence under this Local Law is set out in Schedule 2.

2.6.7 General Penalty at Magistrates Court

Any person who is guilty of an offence against this Local Law is liable to:

- (a) a penalty of not more than 20 penalty units; and
- (b) for a continuing offence, a penalty not more than 2 penalty units for each day after the finding of guilt or conviction during which the contravention continues.

Part 3 COUNCIL ASSET PROTECTION

3.1 Purpose

The purpose of this part is to protect any asset vested in, controlled or owned by *Council*.

3.2 Damage and Interference with Council Assets

A *person* must not, without a *permit*, destroy, damage, deface, interfere with, excavate or tap into any:

- (a) fence, grass, plant, tree, tree band/guard, sign, sprinkler, service conduit, hydrant or other asset;
- (b) drain;
- (c) watercourse, ditch, creek, gutter, tunnel, bridge, levee, culvert, fence, or other asset;

vested in, controlled or owned by *Council*.

Penalty (Infringement): 10 *Penalty Units*

3.3 Asset Protection Permit

1. If any *building work* is to be carried out on *land*:

- (a) the *owner* of the relevant *land*;
- (b) the *builder* engaged to carry out *building work* on the *land*;
- (c) any appointed agent; or
- (d) any demolition contractor engaged to demolish some object on the *land* as part of the *building work*

must:

- (e) not carry out or allow to be carried out *building work* on that *land* unless an *Asset Protection Permit* has been obtained;
- (f) not carry out or allow to be carried out *building work* on that *land* in breach of any conditions of an *Asset Protection Permit* that has been obtained; and
- (g) pay any *Asset Protection Permit* Bond determined by the *Council* from time to time.

2. If a *person* contravenes or fails to comply with Clause 1. above, *Council* may serve a *Notice to Comply* on that *person* requiring the repair, rectification, re-instatement, replacement or any other work to repair, rectify, re-instate or replace any asset vested in, controlled or owned by *Council*.

Penalty (Infringement): 10 *Penalty Units*

See Note on page 18.

Note: Council will inspect and assess potential for damage to Council assets, including an Asset Protection Permit Bond. An Asset Protection Permit is not Consent or permission to work from or upon Council Land and an application may be required for the following Permits:

- *Occupation of Roads and Council Land*
- *Interference with Council Assets*
- *Obstruction of Roads and Council Land*
- *Vehicle Crossings*
- *Tradesperson Parking/Workzone*

3.4 Discharge into Stormwater

An *owner, occupier or builder* of any *land* must not allow the discharge of any substance other than stormwater into the *Council* stormwater drainage network.

Penalty (Infringement): 5 *Penalty Units*

Part 4 BUILDING SITES

4.1 Purpose

The purpose of this part is to ensure the safety and amenity of the municipality by controlling activities associated with *building* or construction work.

4.2 Containment of Building Sites

The *owner, occupier* or *builder* of the *building* site must ensure that *building works* are contained entirely within the *building site*.

Penalty (Infringement): 10 *Penalty Units*

4.3 Dust Control

A *person* carrying out *building works*, landscaping or gardening works on *land* must ensure that:

- (a) dust or spoil is not deposited on any *road*;
- (b) dust, spoil or other material does not escape to adjoining *land* or a *road*.

Penalty (Infringement): 10 *Penalty Units*

4.4 Building Site Refuse

The *owner, occupier* or *builder* must ensure that *builder's refuse* produced as a result of *building works* are:

- (a) contained entirely within the *building site*;
- (b) stored in a manner that does not attract the depositing of *builder's refuse* from sources other than the *building site*;
- (c) stored in a manner that does not cause detriment to the visual amenity of the area in which the *building site* is located; and
- (d) disposed of regularly and to a legal point of *waste disposal*.

Penalty (Infringement): 5 *Penalty Units*

4.5 Building Works Hours

An *owner, occupier* or *builder* must not, without a *permit*, cause or allow *building works* or other activities to be carried out outside the hours of:

- (a) 7.00am and 6.00pm Monday to Friday; or
- (b) 9.00am and 3.00pm on Saturday; or
- (c) any Sunday, Anzac Day, Christmas Day or Good Friday

Penalty (Infringement): 10 *Penalty Units*

4.6 Direction to Cease Building Works

An *owner, occupier* or *builder* must cease *building works* immediately, when directed either orally or in writing by an *Authorised Officer*, unless all required *permits* have been issued.

Penalty (Infringement): 10 *Penalty Units*

4.7 Vehicle Crossings

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

- (a) construct, install, remove or alter a vehicle crossing; or
- (b) construct a temporary vehicle crossing, if it is likely that a vehicle is accessing *land*.

Penalty (Infringement): 10 *Penalty Units*

4.8 Use of Vehicle Crossings

- 1. A *person* must not cause or allow, or drive a *motor vehicle* from or onto *land* other than by an appropriately constructed vehicle crossing.
- 2. A *person* must ensure that each point of vehicular access from a *road* to the *land* has an appropriately constructed vehicle crossing.

Penalty (Infringement): 5 *Penalty Units*

4.9 Maintenance of Vehicle Crossings

The owner, *occupier* or *builder* must ensure that each vehicle crossing is maintained to that *land* from an adjacent *road*, including any:

- (a) channel or pipe under or forming part of that crossing;
- (b) infill from the property boundary to a constructed footpath;
- (c) infill from a constructed footpath to the line of the invert of the *kerb*; and
- (d) infill from the property boundary to the line of the invert of the *kerb* if there is no constructed footpath.

Penalty (Infringement): 5 *Penalty Units*

Part 5 ROADS AND COUNCIL LAND

5.1 Purpose

The purpose of this part is to protect the safety of *road* users and the amenity of the municipality and to provide for the fair and equitable use of *Council Land*.

5.2 Street Stalls

A *person* must not, without a *permit*, conduct a street stall on a *road* or *Council Land*.

Penalty (Infringement): 3 *Penalty Units*

5.3 Busking

A *person* must not, without a *permit*, *busk* on a *road* or *Council Land*.

Penalty (Infringement): 2 *Penalty Units*

5.4 Itinerant Trading

A *person* must not, without a *permit*, conduct *itinerant trading* on a *road* or *Council Land*.

Penalty (Infringement): 10 *Penalty Units*

5.5 Charity Recycling Bins

A *person* must not, without a *permit*, place a *Charity Recycling Bin* on a *road* or *Council Land*.

Penalty (Infringement): 5 *Penalty Units*

5.6 Footpath Trading Policy

1. The *Footpath Trading Policy* is incorporated into this Local Law and a *person* who contravenes or fails to comply with a requirement of the *Footpath Trading Policy* imposed on them is guilty of an offence.
2. A *person* must not, without a *permit*, or as otherwise provided in this Local Law:
 - (a) Display any goods;
 - (b) Place a moveable A-board (advertising signs);
 - (c) Place tables, chairs, outdoor umbrellas, planter boxes, barriers, outdoor heaters or any other item;

on a *road*, *footway* or *Council Land*.

Penalty (Infringement): 3 *Penalty Units*

5.7 Occupation of Roads and Council Land

A *person* must not, without a *permit*, or as otherwise provided in this Local Law:

- (a) occupy or fence off;
- (b) excavate;
- (c) remove, damage or interfere with any structure or item on;
- (d) construct or erect any hoarding, scaffolding or structure on;
- (e) use any plant or equipment on;
- (f) occupy or allow the occupation of for the purposes of filming for commercial purposes or public exhibition or the placement of any equipment associated with such an activity on;

a *road*, *footway* or *Council Land*.

Penalty (Infringement): 10 *Penalty Units*

5.8 Obstructions on Roads and Council Land

A *person* must not, without a *permit*, leave or allow to be left any:

- (a) *Bulk Rubbish Container*, storage or shipping container (pods), skip bin or *trailer* skip on;
- (b) store a *Trade Waste Hopper* or Bin on; or
- (c) other thing that encroaches on, obstructs the free use of, reduces the breadth of, or confines the limits of;

a *road*, *footway* or *Council Land*.

Penalty (Infringement): 3 *Penalty Units*

5.9 Camping on Roads or Council Land

A *person* must not, without a *permit*, *camp*, pitch or erect a tent, caravan, campervan, mobile home, other temporary or makeshift structure or provisional form of accommodation or occupy any *motor vehicle* for the purpose of accommodation, on a *road* or *Council Land*.

Penalty (Infringement): 3 *Penalty Units*

5.10 Recreational Vehicle

A *person* must not, without a *permit*, use or allow the use of any *motor vehicle* or motorised *recreational vehicle* on *Council Land*.

Penalty (Infringement): 3 *Penalty Units*

5.11 Obstruction of Sign or Signal on a Road

An owner or occupier of land must not:

- (a) allow any tree, hedge, plant or vegetation of any kind to grow; or
- (b) construct or place any structure of any kind;

so that it obstructs the view of a motor vehicle, sign or signal on a road by any person using that road.

Penalty (Infringement): 3 *Penalty Units*

5.12 Spoil on Roads

A *person* must not, in the course of any trade, industry or commercial undertaking:

- (a) drive, allow or cause to be driven a *motor vehicle* on a *road* unless the wheels and tyres of the *motor vehicle* are free from soil, earth, clay, mud, liquid waste or like substances;
- (b) allow any material, produce or substance to fall or escape onto a *road* from any *motor vehicle* which the *person* is driving or any equipment which the *person* is operating;
- (c) allow any grease, oil, mud, clay or like substance to run off a *motor vehicle* the *person* is cleaning onto a *road* or into a drain.

Penalty (Infringement): 10 *Penalty Units*

5.13 Unregistered or Abandoned Vehicles

A *person* must not:

- (a) leave any unregistered *motor vehicle*, caravan or *trailer*;
- (b) abandon or cause to be abandoned any *motor vehicle*, caravan or *trailer*.

on a *road* or *Council Land*.

Penalty (Infringement): 4 *Penalty Units*

5.14 Repair of Vehicles

A *person* must not:

- (a) service, paint or dismantle any *motor vehicle*;
- (b) repair any *motor vehicle*, except where necessary to enable that *motor vehicle* to be removed.

on a *road* or *Council Land*.

Penalty (Infringement): 2 *Penalty Units*

5.15 Storage of Vehicles

A *person* must not store any caravan, *trailer*, boat or disabled *motor vehicle* on any *road* or *Council Land*.

Penalty (Infringement): 2 *Penalty Units*

5.16 Sale of Vehicles

The *owner* of a *motor vehicle* must not park or cause the *motor vehicle* to be parked or left, for the purpose of displaying that vehicle for sale, on any *road* or *Council Land*.

Penalty (Infringement): *2 Penalty Units*

5.17 Shopping Trolleys

1. A *person* must not abandon or leave a shopping trolley, other than in an area set aside for the leaving of Shopping Trolleys, on any *road* or *Council Land*.
2. Any shopping trolley left on a *road* or other *Council Land*, except in an area set aside for the purpose of storage of shopping trolleys, may be impounded by an *Authorised Officer*.

Penalty (Infringement): *2 Penalty Units*

Part 6 PARKING PERMITS

6.1 Purpose

The purpose of this part is to provide for parking *permits* in areas designated by *Council* and to allow for appropriate use of, and prevent the sale or trade of, *Council* issued parking *permits*.

6.2 Parking Permits

1. *Council* may from time to time by resolution designate any area as an area in which a resident parking scheme is in operation and issue parking *permits* for the schemes.
2. Any *person* who has been allocated a vehicle parking *permit* must not:
 - (a) sell or offer to sell a vehicle parking *permit*;
 - (b) give away for no charge, or offer to give away for no charge, a vehicle parking *permit* (other than a temporary visitor *permit* to be used by a legitimate visitor);
 - (c) lend or license, or offer to lend or license a vehicle parking *permit* (other than a temporary visitor *permit* to be used by a legitimate visitor); or
 - (d) otherwise allow a vehicle parking *permit* (other than a temporary visitor *permit* being used by a legitimate visitor) to be used by any *person* other than a vehicle parking *permit* holder.
3. Any *person* (other than a legitimate visitor using a temporary visitor *permit* in accordance with any applicable policies or conditions) must not:
 - (a) purchase or induce to purchase;
 - (b) receive (whether for a charge or not), or induce to receive (whether for a charge or not) a vehicle parking *permit* from any vehicle parking *permit* holder or other *person* not authorised to issue a vehicle parking *permit*; or
 - (c) accept a lent or licensed or induce to receive a lent or licensed vehicle parking *permit* from any vehicle parking *permit* holder or other *person* not authorised to issue a vehicle parking *permit*.
4. A *person* must not use or attempt to use a vehicle parking *permit* who is not the relevant vehicle parking *permit* holder.
5. In this clause a vehicle parking *permit*, a temporary visitor *permit* are *permits* for the purpose of this Local Law.

Penalty (Infringement): 2 *Penalty Units*

Part 7 CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

7.1 Purpose

The purpose of this part is to control the consumption and possession of alcohol on a *public place*, where such consumption or possession may interfere with the amenity and enjoyment of the *public place* by the community.

7.2 Consumption and Possession of Alcohol

1. Declaration of *alcohol restriction areas*:

- (a) the *Council* may declare an area of the *municipal district* to be an *alcohol restriction area*.
- (b) before a declaration is made, the *Council* must give public notice of the proposed declaration.
- (c) after the declaration is made, signage must be erected which designates an area as an *alcohol restriction area*.
- (d) a declaration may define an *alcohol restriction area* by:
 - (i) description; or
 - (ii) plan or map.

2. A person must not, without a *permit*, in an *alcohol restriction area*:

- (a) consume alcohol; or
- (b) be in possession of alcohol, other than in a sealed container,

on a *road* or *municipal place*, or in a stationary vehicle on a *road*, or in or at or on any *public place* or *Council Land*.

3. Clause 2. above does not apply to a *person*:

- (a) taking part in a Festival, Procession, Street Party or other activity in respect of which the *Council* has granted a *permit* for *persons* to consume alcohol or to have in their possession or control any alcohol other than alcohol in a sealed container; or
- (b) within authorised premises or licensed premises under the *Liquor Control Reform Act 1998* or any subsequent legislation relating to the serving and consumption of alcohol; or
- (c) who has been granted a *permit* to take into an area declared by *Council*.

Penalty (Infringement): 2 *Penalty Units*

Part 8 **ACTIVITIES ON COUNCIL LAND**

8.1 Purpose

The purpose of this part is to control behaviour and activities to ensure the fair and equitable use of *Council Land* and prohibit *persons* from causing damage to a *municipal place* or endangering the safety of other *persons* on *Council Land*.

8.2 Carnivals, Festivals, Processions and Street Parties

1. A *person* must not, without a *permit*, hold or allow to be held a:

- (a) carnival,
- (b) festival,
- (c) procession, or
- (d) street party

on any *Council Land*.

2. Any *permit* granted under sub-clause 1. above, may exempt a *person* from complying with all or part of clause 7.2 (Consumption and Possession of Alcohol).

Penalty (Infringement): 10 *Penalty Units*

Note: Circus – refer Banyule Planning Scheme Clause 62.01

8.3 Activities on Council Land

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

- (a) light a fire or allow any fire to remain alight except:
 - (i) a barbeque provided by the *Council*; or
 - (ii) a portable liquid petroleum gas barbeque;
- (b) ride or drive a vehicle or *animal* in a manner or in a place which is likely to damage or ruin any grassed area or turf surface or otherwise interfere with the use of the *Council Land* by another *person*;
- (c) hang, place, affix or erect any advertising sign or advertisement;
- (d) play, organise, practise or engage in any organised competitive sport or game;
- (e) engage in, play or practice any game or sport in such a manner as to be a danger to the safety of any *person*;
- (f) operate or allow to be operated, any amusement for which a charge is made;
- (g) make a collection for money;
- (h) use any sound amplification device;
- (i) hold any event, commercial or promotional activity;
- (j) conduct personal training services for individuals or groups for which a charge is made;

on any *Council Land*.

Penalty (Infringement): 4 *Penalty Units*

Note: Heliport and Helicopter Landing Site – refer Banyule Planning Scheme Clause 52.15

8.4 Behaviour in a Municipal Place or on Council Land

A *person* must not:

- (a) interfere with the quiet enjoyment of the *land* by any other *person*; or
- (b) do anything which may endanger a *person*; or
- (c) behave in a manner which is offensive, indecent, insulting, riotous or disorderly or engage in any conduct which is dangerous; or
- (d) destroy, damage, write upon or interfere with any thing; or
- (e) unless the *person* is a player, official or competitor at any sports match or sports gathering authorised under this Part, enter or remain within or upon the playing arena during the progress of such sports match or sports gathering,

in a *municipal place* or on *Council Land*.

Penalty (Infringement): 3 *Penalty Units*

8.5 Direction by an Authorised Officer in a Municipal Place or on Council Land

A *person* must comply with any:

- (a) reasonable direction of an *Authorised Officer*;
- (b) requirement set out in a sign erected by the *Council* and located in a *municipal place* or on *Council Land*.

Penalty (Infringement): 5 *Penalty Units*

8.6 Access to Council Land from any property or Land

Except on a boundary that adjoins a *road*, a *person* must not, without a *permit*, allow to be constructed or made, or allow to remain any gate or opening in a fence on the boundary of any *Council Land* from any property or *land*.

Penalty (Infringement): 3 *Penalty Units*

Part 9 RESIDENTS RESPONSIBILITIES

9.1 Purpose

The purpose of this Part is to preserve and enhance amenity, neighbourhood character, health and public safety by regulating certain activities of *owners* or *occupiers of land*.

9.2 Unsightly Land

An *owner* or *occupier of land* must not cause or allow the *land* to be kept in a manner which:

- (a) contains unconstrained rubbish;
- (b) contains disused excavation or *waste* material;
- (c) contains *graffiti* on any *building*, structure or boundary fence; or
- (d) is detrimental to the general amenity of the neighbourhood in which it is located.

Penalty (Infringement): 10 *Penalty Units*

9.3 Fire Hazards on Land

An *owner* or *occupier of land* must not cause or allow the *land* to be kept in a manner which has:

- (a) overgrown vegetation; or
- (b) any material or substance that constitutes or is likely to constitute a fire hazard.

Penalty (Infringement): 5 *Penalty Units*

9.4 Vacant Land and Abandoned Buildings on Land

1. An *owner* of any vacant *land* must not allow the vacant *land* to become unsafe; or
2. An *owner* of *land* occupied by any abandoned *building* must not allow the abandoned *building* to become dilapidated or fall into disrepair.

Penalty (Infringement): 5 *Penalty Units*

9.5 Maintenance of Private Drains and Stormwater Retention Systems

An *owner* or *occupier of land* must ensure that any drain or stormwater retention system on the *land*, that is not vested in *Council* or another public authority is operated and maintained for the purpose for which it is designed.

Penalty (Infringement): 10 *Penalty Units*

9.6 Overhanging or Encroaching Vegetation

An *owner* or *occupier of land* must not cause or allow any tree, hedge, plant or vegetation of any kind to:

- (a) overhang or encroach any *road* or *footway* at a height less than 2500mm; or
- (b) obstruct a footpath.

Penalty (Infringement): 3 *Penalty Units*

9.7 Property Numbers

1. An *owner* or *occupier of land* must, if *Council* has allocated a number to that *land*, ensure that the allocated number is visible and is maintained in accordance with sub-clause 2.
2. The number must be positioned and be of a size so that it is clearly visible from the carriageway of the *road* on which the *land* adjoins.

Penalty (Infringement): 2 *Penalty Units*

9.8 Refrigerators and Ice Chests

A *person* must not allow the placement of any disused refrigerator, ice chest, ice box, trunk, chest or other similar article, without first removing every door, lid, lock and/or hinge rendering them incapable of being fastened, on a *road*, *public place* or *Council Land*.

Penalty (Infringement): 4 *Penalty Units*

9.9 Fires and Incinerators

1. A *person* must not, without a *permit*, allow to be lit or remain alight any fire or fire in an *incinerator* in the open air on any *land*.
2. Sub-clause 1 does not apply if:
 - (a) that *person* is a *person* authorised by a public body engaged in fire protection measures for or on behalf of that public body; or
 - (b) the fire is in a *purpose built outdoor cooking and/or heating device*.

Penalty (Infringement): 5 *Penalty Units*

9.10 Extinguishing Fires

A *person* who has lit or allowed a fire to remain alight contrary to Clause 9.9, or any condition contained in a *permit*, must extinguish the fire immediately on being directed to do so by:

- (a) an *Authorised Officer*;
- (b) a member of the Victoria Police acting in the course of his or duties; or
- (c) an employee of a Fire Brigade acting in the course of his or duties.

Penalty (Infringement): 10 *Penalty Units*

Part 10 ANIMALS

10.1 Purpose

The purpose of this part is to minimise the adverse impact of *animals* kept as pets on the community.

10.2 Application of Part

This Part does not apply to *land* on which:

- (a) a pet shop is located; or
- (b) an *animal* hospital, *animal* breeding facility, *animal* boarding facility or veterinary practice is located;

if the use of the *land* for this purpose is permitted under the Planning Scheme applicable to that *land*.

Note: This does not replace any legislative requirement under the Domestic Animal Act 1994, such as an Animal Business Permit.

10.3 Permitted Number of Animals Kept on Private Land

1. An *owner* or *occupier* of *land* must not, without a *permit*, keep or allow to be kept, on any one parcel of *land*:
 - (a) which is less than 4000 square metres, an emu, ostrich, alpaca, cow, pig, camel, donkey, goat, sheep, bull, horse or any other agricultural *animal*;
 - (b) any more in number of each type of *animal* than is set out in the following table:

Type of Animal	Max. Allowed Proposed
Dogs	2
Cats	2
Poultry	10
Pigeons & Domestic Birds	20
Guinea Pigs	4
Domestic Rabbits	4
Rooster	0

2. For the purpose of calculating the maximum limit of the numbers of *animals* kept, the young of any *animal* whilst reliant on its mother for sustenance will be exempt.

Penalty (Infringement): 3 *Penalty Units*

10.4 Housing of Animals

The *owner* or *occupier* of any *land* on which any *animal* is kept must ensure that:

- (a) the ground surrounding the place where the *animal* is kept is free from dry grass, weeds, refuse, rubbish or other material capable of harbouring rodents or *vermin*;
- (b) the place where the *animal* is kept and the surrounding area is well drained;
- (c) all food for consumption by the *animal* is kept or stored in a *vermin* proof receptacle;
- (d) any area where the *animal* is kept is thoroughly cleaned as often as necessary to keep the area clean and sanitary at all times;
- (e) all manure, excrement, refuse or rubbish produced or accumulated by the *animal* is disposed of, as soon as practicable, so that it does not cause a nuisance or create a condition which is offensive or dangerous to health.

Penalty (Infringement): 3 *Penalty Units*

10.5 Noise of Animals

An *owner* or *occupier* of any *land* where an *animal* is kept or allowed to remain must not allow the *animal* to make noises or sounds which will create a nuisance that may unreasonably or adversely affect:

- (a) the peace and comfort of any *person*; or
- (b) the amenity of any other *land*.

Penalty (Infringement): 4 *Penalty Units*

Note: Dogs and cats creating a nuisance are covered by the Domestic Animals Act 1994.

10.6 Dog Excrement

An *owner* of any dog must:

- (a) remove and dispose of faeces deposited by their dog; and
- (b) carry a *litter device* and must produce such *litter device* upon request of any *Authorised Officer*,

in any *public place*.

Penalty (Infringement): 3 *Penalty Units*

Part 11 PUBLIC HEALTH

11.1 Purpose

The purpose of this part is protect the health and wellbeing of the community by regulating certain activities.

11.2 Chimneys, Purpose Built Outdoor Cooking and/or Heating Devices

An *owner* or *occupier* of any *land* must not cause or allow any *chimney* or *purpose built outdoor cooking and/or heating device* to discharge any *by-products of combustion* to such an extent that, in the opinion of an *Authorised Officer*, it is considered unreasonable or is dangerous to health or safety of any *person* or *animal*.

Penalty (Infringement): 5 *Penalty Units*

11.3 Audible Alarms

The *owner* or *occupier* of any *land* must not install, cause or allow any audible alarm to be heard continuously beyond the boundary of such *land* within any residential or commercial *building* for more than 10 minutes, or intermittently for more than 10 minutes in total within a one hour period.

Penalty (Infringement): 3 *Penalty Units*

11.4 Vermin and Hazardous Pests

1. The *owner* or *occupier* of the *land* must not allow the *land* to be kept in a manner, condition or state if, in the opinion of an *Authorised Officer*.
 - (a) *vermin* are being attracted or likely to be attracted onto that *land*; or
 - (b) *vermin* are harbouring or is likely to provide harbourage for *vermin* on that *land*.
2. Upon being made aware by an *Authorised Officer* of the presence of *vermin* and/or *hazardous pests* on the *land*, the *owner* or *occupier* of the *land* must remove or eradicate, to the satisfaction of the *Authorised Officer*, such *vermin* and/or *hazardous pests*.

Penalty (Infringement): 3 *Penalty Units*

11.5 Camping on Private Land

A *person* must not *camp*, cause or allow another *person* to *camp* on any privately owned *land*:

- (a) unless such *camping* takes place within either a registered caravan park or *camping* area, or
- (b) unless, in the opinion of an *Authorised Officer*, adequate sanitary facilities are in place.

Penalty (Infringement): 3 *Penalty Units*

11.6 Hygiene Requirements for Personal Care and Body Art Businesses

The proprietor or *occupier* of a premises registered under section 69 of the *Public Health and Wellbeing Act 2008* to conduct the business of hairdressing, colonic irrigation, beauty therapy or similar process on any *person*, or any tattooing, ear piercing or other process involving the penetration of the skin on a living human being, must ensure that:

1. Hand washing facilities installed at the premises for use by staff is provided and accessible at all times with:
 - (a) a continuous supply of both hot and cold water,
 - (b) soap,
 - (c) paper towel.
2. The instrument and/or equipment sink provided at the premises for use by staff is supplied with both hot and cold water at all times.

Penalty (Infringement): 5 *Penalty Units*

11.7 Domestic Wastewater Management of Unsewered Land

The *owner* or *occupier* of *land* where a *septic tank system* is in place on that *land* must:

- (a) operate and/or maintain that *septic tank system* to the satisfaction of an *Environmental Health Officer*, and
- (b) when directed in writing by an *Environmental Health Officer*, engage the services of a licensed plumber or *other suitably qualified person*, to inspect and provide a written report to the satisfaction of the *Environmental Health Officer* about the operating condition of that *septic tank system*.

Penalty (Infringement): 10 *Penalty Units*

11.8 Inspection of Septic Tank System

The *owner* or *occupier* of *land* where a *septic tank system* is in place on that *land* must make available that *septic tank system* for inspection when requested to do so by an *Environmental Health Officer*.

Penalty (Infringement): 5 *Penalty Units*

11.9 Reuse of Domestic Greywater

A *person* must not use untreated *greywater* to irrigate upon any residential *land* if, in the opinion of an *Environmental Health Officer*, its reuse is considered inappropriate, or poses or is likely to pose a risk to the health of any *person* or *animal*.

Penalty (Infringement): 3 *Penalty Units*

11.10 Asbestos Management from Domestic Sources

A *person*, other than a *person* licenced or otherwise allowed under the *Occupational Health and Safety Regulations 2007*, must not *handle* or *store* any item or thing containing or potentially containing asbestos in a manner if, in the opinion of an *Environmental Health Officer*, a risk of asbestos fibres becoming or likely of becoming airborne exists.

Penalty (Infringement): 10 *Penalty Units*

Note: This only applies to asbestos if the site is not considered a worksite.

12.1 Purpose

The purpose of this part is to regulate the impact of business activity on the environment, public health and amenity.

12.2 Storage of Trade Waste

The *owner* or *occupier* of every commercial and industrial premises must provide *trade waste* hoppers, bins or storage containers for the storage of *trade wastes* which are:

- (a) constructed of impervious materials, water tight and pest proof;
- (b) emptied before it overflows;
- (c) maintained in a clean, inoffensive and sanitary condition;
- (d) in sufficient numbers to contain all the *waste* produced;
- (e) stored in an area and in a manner to the satisfaction of an *Authorised Officer*;
- (f) stored in such a manner that it cannot contaminate or enter the stormwater system; or
- (g) supplied with such equipment as will enable the clean-up of any spilt material.

Penalty (Infringement): 5 *Penalty Units*

12.3 Pick Up and Delivery of Goods to Commercial Premises

A *person* must not pick up or deliver or cause to be picked up or delivered any goods to commercial premises, if the pick up or delivery is liable to create unreasonable noise or affects the amenity of the area except between the hours of:

- (a) 6.30am and 10.00pm Monday to Saturday; or
- (b) 9.00am and 10.00pm on any Sunday or Public Holiday

Penalty (Infringement): 5 *Penalty Units*

Part 13 WASTE COLLECTION AND DISPOSAL

13.1 Purpose

The purpose of this part is to ensure the amenity of *Council's municipal district* is maintained through the safe and efficient collection of domestic *waste* and *hard waste* placed on a *road* for collection, and the depositing of *waste* in street bins and park bins.

13.2 Placement of Waste for Collection

1. An *owner* or *occupier* must not:
 - (a) place out for collection more than one (1) *waste* bin and one (1) organic bin and one (1) recycling bin, unless otherwise authorised by *Council*.
 - (b) place out for collection any mobile *waste*, organic or recycling bin so as to cause a hazard to a pedestrian, vehicle or *person* undertaking the collection and processing, for or on behalf of the *Council*.
 - (c) remove, damage or interfere with:
 - (i) a bin or any *hard waste*;
 - (ii) the contents of a bin or any *hard waste* placed out for collection
 - (iii) or place additional material into another property's bin or *hard waste*.
2. Any mobile *waste*, organic or recycling bin placed out for collection must:
 - (a) be positioned on the nature strip adjacent to the *kerb* or at such other place as may from time to time be approved by the *Council*, and in excess of one (1) metre from any obstacle.
 - (b) be placed no earlier than 3.00pm on the day prior to the day of collection.
3. An *owner* or *occupier* is responsible to remove any waste or material which has escaped or spilled onto any *road*, nature strip or surrounding area from a mobile *waste*, organic or recycling bin or *hard waste* left out by the *owner* or *occupier* for collection.

Penalty (Infringement): 2 *Penalty Units*

13.3 Maintenance of Waste, Organic and Recycling Bins

1. An *owner* or *occupier* must:
 - (a) keep his or her mobile *waste*, organic or recycling bin in a clean, inoffensive and sanitary condition;
 - (b) ensure that any area where a bin is placed between collections is kept in a clean, inoffensive and sanitary condition.
2. A mobile *waste*, organic and recycling bin, when placed for collection and containing *waste*, must be covered by its lid at all times, except when items are being deposited in or removed from the bin.

Penalty (Infringement): 2 *Penalty Units*

13.4 Removal of Waste, Organic and Recycling Bins

An *owner* or *occupier* must return any empty mobile *waste*, organic or recycling bin within the allocated property within 24 hours of having been emptied by any *waste* collector.

Penalty (Infringement): *2 Penalty Units*

13.5 Hard Waste Collection

If Council has accepted a household *hard waste* collection booking, the materials to be collected must be placed:

- (a) on the nature strip or other agreed location not earlier than 5 days prior to the booking collection date;
- (b) in a neat, tidy, safe and orderly manner.

Penalty (Infringement): *2 Penalty Units*

13.6 Street Bins and Park Bins

A *person* must not deposit any residential *waste*, green *waste*, *trade waste* or commercial *waste* into any street bin or park bin.

Penalty (Infringement): *2 Penalty Units*



Postal Address: All Correspondence to
PO Box 51, Ivanhoe Vic 3079
Telephone (03) 9490 4222
www.banyule.vic.gov.au

NTC

To: (Name) _____
(Address) _____
Subject Property Address (if different from above) _____

The following constitutes a breach under Clause _____ of the Council's General Local Law (No. 1)
Clause _____ of the Banyule City Council General Local Law (No. 1) provides that:

It is the opinion of Council that:

To remedy the breach, you must do the following to my satisfaction by _____ am/pm on _____
(Time) (Date)

What has to be done:

Banyule City Council General Local Law (No. 1) provides that any person who is aggrieved by any notice or direction under this Local Law may, within 28 days after the date of the issue of this direction or notice, apply to the Council to be heard and may make a written submission for consideration by the Council but this right of itself will not in any way remove the person's obligation to act in accordance with any direction or notice which is applicable under this law.

You should contact _____ (Responsible Officer) at the Municipal Offices between the hours of 8.30am and 5.00pm Monday - Friday on 9490 4222 for further information about this Notice, if required. If you fail to comply with this Notice, you will be guilty of an offence and Council may initiate legal proceedings resulting in a penalty imposed on you up to \$2,000. Additionally Council may proceed to carry out any works required, the cost of which, in addition to the above penalty, will be your liability.

Date _____

(Name of Authorised Officer)

Phone: _____

(Signature of Authorised Officer)

NOTE: This is **not** an Infringement Notice.

NOTE: If this notice relates to a contravention of a Permit and the Notice is not complied with, the Permit may be cancelled or suspended. If you do not wish to have the Permit cancelled or suspended you should comply with the directions in this Notice or show cause to the Council in writing why the Permit should not be cancelled or suspended.

SCHEDULE 2

PENALTIES

Clause	Description	Penalty Unit
2.6.1 (c)	Failure to comply with a condition of a permit in relation to clauses 5.2, 5.3, 5.4, 5.5, 5.6, 5.8, 5.9, 5.10, 6.2, 7.2, 8.3, 8.6, 10.3.	5
2.6.1 (c)	Failure to comply with a condition of a permit in relation to clauses 3.2, 3.3, 4.5, 4.7, 5.7, 8.2, 9.9.	10
2.6.1 (d)	Failure to comply with a Notice to Comply.	5
3.2 (a)	Person destroys, damages, defaces, interferes with, excavates or taps into fence, grass, plant, tree, tree band/guard, sign, sprinkler, service conduit, hydrant or other asset.	10
3.2 (b)	Person destroys, damages, defaces, interferes with, excavates or taps into drain.	10
3.2 (c)	Person destroys, damages, defaces, interferes with, excavates or taps into watercourse, ditch, creek, gutter, tunnel, bridge, levee, culvert, fence, or other asset.	10
3.3 (e)	Person carries out work on land without Asset Protection Permit.	10
3.3 (f)	Person fails to comply with a condition of Asset Protection Permit.	10
3.3 (g)	Person fails to pay an Asset Protection Permit Bond.	10
3.4	Owner, occupier or builder discharges substance other than stormwater into a Council stormwater drain.	5
4.2	Owner, occupier or builder fails to contain building works within the building site.	10
4.3 (a)	Person deposits dust or spoil on any road.	10
4.3 (b)	Person allows dust or spoil to escape to adjoining land or a road.	10
4.4	Owner, occupier or builder fails to comply with builder's refuse requirements.	5
4.5	Owner, occupier or builder fails to comply with building works hours.	10
4.6	Owner, occupier or builder fails to comply with direction to cease building works.	10

4.7	Person fails to obtain a permit to construct, install, remove or alter a vehicle crossing or temporary vehicle crossing.	10
4.8.1	Person causes or allows a motor vehicle to enter or exit land other than via a vehicle crossing.	5
4.8.2	Person fails to ensure appropriately constructed vehicle crossing	5
4.9	Owner, occupier or builder fails to maintain vehicle crossing.	5
5.2	Person conducts street stall or street appeal without a permit.	3
5.3	Person busks without a permit.	2
5.4	Person conducts itinerant trading without a permit.	10
5.5	Person places a charity recycling bin without a permit.	5
5.6	Person contravenes a requirement of the Footpath Trading Policy, fails to obtain a Footpath Trading Permit, or contravenes a condition of the Footpath Trading Permit.	3
5.7 (a)	Person occupies or fences off a road, footway or Council land without a permit.	10
5.7 (b)	Person excavates a road, footway or Council land without a permit.	10
5.7 (c)	Person removes, damages or interferes with a structure or item on a road, footway or Council land without a permit.	10
5.7 (d)	Person constructs or erects a hoarding, scaffolding or structure on a road, footway or Council land without a permit.	10
5.7 (e)	Person uses any plant or equipment on a road, footway or Council land without a permit.	10
5.7 (f)	Person occupies or allows the occupation of a road, footway or Council land for the purposes of filming for commercial purposes or public exhibition or the placement of any equipment associated with such activity without a permit.	10
5.8 (a)	Person leaves or permits to be left a Bulk Rubbish Container without a permit.	3
5.8 (b)	Person leaves or permits to be left a Trade Waste	3

	Hopper or Bin without a permit.	
5.8 (c)	Person leaves or permits to be left any other thing that encroaches on, obstructs, reduces the breadth of or confines the limits of a road, footway or Council land without a permit.	3
5.9	Person camping on road or Council land without a permit.	3
5.10	Person uses or allows the use of any motor vehicle or motorised recreational vehicle on Council land without a permit.	3
5.11 (a)	Owner or occupier allows a tree, hedge, plant or vegetation to obstruct sign or signal on a road.	3
5.11 (b)	Owner or occupier constructs or places a structure so that it obstructs sign or signal on a road.	3
5.12 (a)	Person drives or permits to be driven a motor vehicle with spoil on wheels on to a road.	10
5.12 (b)	Person allows any material or substance to fall or escape from a motor vehicle on to a road.	10
5.12 (c)	Person allows any grease, oil, mud, clay or like substance to run off a motor vehicle the person is cleaning on to a road or into a drain.	10
5.13	Person places or abandons or causes to be abandoned any unregistered vehicle on a road or Council land.	4
5.14	Person services, paints, dismantles or repairs any motor vehicle on a road or Council land.	2
5.15	Person stores caravan, trailer, boat or disabled motor vehicle on any road or Council land.	2
5.16	Owner parks or causes motor vehicle to be parked or left for the purpose of displaying that vehicle for sale on any road or Council land.	2
5.17	Person abandons or leaves a shopping trolley on any road or Council land.	2
6.2	Person fails to comply with requirements for parking permits.	2
7.2	Person consumes or possesses alcohol in an alcohol restriction area on a road, municipal place or in a stationary vehicle on a road, public place or Council land without a permit or exemption.	2

8.2	Person holds or permits to be held a carnival, festival, procession or street party without a permit.	10
8.3	Person conducts activities on Council land requirements without a permit.	4
8.4	Person contravenes behaviour requirements in a Municipal Place or on Council land.	3
8.5 (a)	Person fails to comply with any reasonable direction of an Authorised Officer.	5
8.5 (b)	Person fails to comply with the requirement set out in a sign erected by Council and located in a municipal place or on Council land.	5
8.6	Person constructs a gate or opening in a fence to access any Council land.	3
9.2	Owner or occupier fails to comply with unsightly land requirements.	10
9.3	Owner or occupier causes or allows overgrown vegetation or any material or substance that constitutes a fire hazard.	5
9.4	Owner allows vacant land or land occupied by any abandoned building to become unsafe, dilapidated or fall into disrepair.	5
9.5	Owner or occupier allows drain or stormwater retention system to operate outside the purpose for which it was designed.	10
9.6	Owner or occupier fails to comply with overhanging or encroaching vegetation requirements.	3
9.7	Owner or occupier fails to comply with property number requirements.	2
9.8	Person fails to comply with refrigerators and ice-chests requirements.	4
9.9	Person allows or permits to be lit or remain alight any fire or incinerator in the open air without a permit.	5
9.10	Person fails to extinguish a fire or incinerator upon direction by an Authorised Officer, member of Victoria Police or employee of a Fire Brigade.	10
10.3	Owner or occupier keeps excessive number of animals.	3
10.4	Owner or occupier fails to comply with housing of animals requirements.	3

10.5	Owner or occupier allows animal to create a nuisance.	4
10.6	Owner fails to remove and dispose of faeces deposited by their dog or carry a litter device.	3
11.2	Owner or occupier causes or allows chimney or purpose built outdoor cooking and/or heating device to cause a nuisance.	5
11.3	Owner or occupier fails to comply with audible alarms requirements.	3
11.4.1	Owner or occupier fails to comply with vermin and hazardous pests requirements.	3
11.4.2	Owner or occupier fails or remove or eradicate vermin and hazardous pests upon direction by Authorised Officer.	3
11.5	Person camps, causes, allows or permits another person to camp without adequate sanitary facilities.	3
11.6.1	Proprietor or occupier of premises fails to comply with personal care and body art businesses washing facilities requirements.	5
11.6.2	Proprietor or occupier of premises fails to supply instrument and/or equipment sink with both hot and cold water at all times.	5
11.7	Owner or occupier fails to comply with domestic wastewater management of unsewered land requirements.	10
11.8	Owner or occupier fails to make septic tank system available for inspection when directed by an Environmental Health Officer.	5
11.9	Person uses untreated greywater to irrigate any land where there is a risk to the health of any person or animal.	3
11.10	Person handles or stores asbestos where there is a risk of asbestos fibres becoming airborne.	10
12.2	Owner or occupier fails to comply with storage of trade waste requirements.	5
12.3	Person fails to comply with pick up or delivery of goods to commercial premises requirements.	5
13.2	Owner or occupier fails to comply with placement of waste for collection requirements.	2

13.3	Owner or occupier fails to comply with maintenance of waste, organic and recycling bins requirements.	2
13.4	Owner or occupier fails to return any waste, organic and recycling bin to the allocated property within 24 hours of collection.	2
13.5	Person fails to comply with hard waste collection requirements.	2
13.6	Person deposits any residential, green, trade or commercial waste into any street litter or park litter bin.	2