

## PART 5 PROTECTION OF THE AMENITY OF THE MUNICIPAL DISTRICT

### 53. INTRODUCTION

The aim of this Part is to protect the amenity of the Municipal District.

#### *Division 1 - General*

### 54. IDENTIFICATION OF PROPERTY

1. If Council has allocated a street number to a Property the Owner or Occupier of that Property must ensure that the number allocated is clearly displayed on the Property by ensuring that it can be clearly read in normal lighting conditions from the Road immediately adjacent to the front boundary.

**Penalty: 5 Penalty Units**

2. Council may, where a Property is not marked by its Owner or Occupier with the street number allocated, cause the Property to be numbered and recover the cost of doing so from the Owner or Occupier (as the case may be) as a debt due and payable to Council.
3. Council may cause a Road name or number unlawfully or incorrectly painted, affixed or set up to be removed, obliterated or destroyed.

### 55. NATURE STRIP MAINTENANCE

The Owner or Occupier of a Property must, unless Council has allowed nature strip modification works in respect of the Property, ensure that the nature strip between the Road and the Property boundary on any Road which abuts the Property is kept and maintained such that any grass, stubble, weeds, scrub, undergrowth or other like material on that nature strip does not generally exceed 20 centimetres in height.

**Penalty: 2 Penalty Units**

### 56. CAMPING ON ROADS AND PUBLIC PLACES

A Person must not occupy or use or cause to be used any tent, Caravan or Annexe:

- a) on a Road or in a Public Place; and
- b) for a period exceeding 24 continuous hours.

**Penalty: 5 Penalty Units**

### 57. CAMPING ON ANOTHER'S LAND

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, occupy or use or cause to be used any tent, Caravan or Annexe on any land for a period exceeding 24 continuous hours, unless the occupation or use is permitted by or under the *Residential Tenancies (Caravan Park and Moveable Dwellings Registration and Standards) Regulations 2010*.

**Penalty: 5 Penalty Units**

### 58. ALLOWING OTHERS TO CAMP

1. The Owner or Occupier of a Property must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, allow or license another to occupy or place or cause to be placed, or use or cause to be

used, any tent or Caravan or Annexe on that Property for a period exceeding 24 continuous hours.

**Penalty: 5 Penalty Units**

2. Nothing in subclause [58.1](#) requires a Person to obtain or comply with such a Permit if he or she:
  - a) holds or operates under a permit issued with the authority of the *Planning and Environment Act 1987*; or
  - b) holds or operates under a licence issued with the authority of the *Residential Tenancies (Caravan Park and Moveable Dwellings Registration and Standards) Regulations 2010*.
3. In determining whether to grant a Permit under subclause [58.1](#), the matters to which Council may have regard include:
  - a) the amenity of the area in which the Property is located; and
  - b) the dimensions and nature of the Caravan, tent or Annexe; and
  - c) the number of Caravans, tents or annexes which it is proposed to occupy, place or use; and
  - d) the duration of any proposed occupation or use; and
  - e) any hygiene or sanitary requirements applicable to the Caravan, tent or Annexe; and
  - f) the purpose of the occupation or use; and
  - g) the presence of any Buildings on the Property.

**59. CHARITY OR CLOTHING BINS**

A Person must not, without first obtaining a Permit nor otherwise in accordance with the conditions of such Permit, place a Charity or Clothing Bin in or on a Public Place, Council Land or a Road.

**Penalty: 5 Penalty Units**

**Division 2 – Building Works - Impacts**

**60. BUILDING REFUSE**

1. The
  - a) Owner of a Building Site; and
  - b) Builder, and each employee or agent of a Builder, engaged to carry out Building Works on the Building Sitemust ensure that:
  - i) A Refuse Facility is placed on the Building Site on commencement of any Building Works; and
  - ii) a Refuse Facility is kept on the Building Site for the deposit of Building Refuse; and
  - iii) the Refuse Facility is so designed and constructed as to prevent any Building Refuse within the Refuse Facility being blown from it by a gust of wind; and
  - iv) the lid on the Refuse Facility remains closed at all times except when placing Building Refuse in the Refuse Facility; and

- v) the Refuse Facility is emptied immediately it becomes full or at the discretion of an Authorised Officer; and
- vi) all wind blown Building Refuse created or accumulated on the Building Site is deposited into the Refuse Facility upon the Building Refuse being created or accumulated; and
- vii) the Refuse Facility is removed from the Building Site within 7 days of the cessation of Building Work; and
- viii) all materials/refuse for or from the Building Site is contained within the boundaries of the Building Site; and
- ix) any mud or slurry remains on the Building Site and that any Vehicle exiting the Building Site does not carry any mud or slurry onto the adjoining or nearby Road.

**Penalty: 10 Penalty Units**

2. If an Authorised Officer reasonably suspects that any Person described in subclause [60.1](#) is contravening that subclause he or she may serve on that Person a notice directing that the contravention cease immediately, and upon receiving such notice, the Person must cease his or her contravention of subclause [60.1](#) in accordance with the notice.

**Penalty: 10 Penalty Units**

3. A notice served under this subclause [60.2](#) may require the Person to remove Building Refuse from a Building Site or deposit Building Refuse into a Refuse Facility on a Building Site.

## 61. SITE IDENTIFICATION

1. Prior to the commencement of any Building Work, the Owner, Builder or Appointed Agent must erect a sign at the main entrance to the Building Site which:
- a) is at least 600 millimetres in height and 400 millimetres in width; and
  - b) is placed in such a location as to be clearly legible in normal lighting conditions from the Road immediately adjacent to the front boundary; and
  - c) contains the lot number as described in the relevant certificate of title; and
  - d) identifies the name, postal address and the 24 hour contact telephone number or numbers of the Person in Charge of the Building Work.

**Penalty: 10 Penalty Units**

2. Each Person referred to in subclause [61.1](#) must ensure the sign referred to in subclause [61.1](#) is not removed until completion of the Building Work.

**Penalty: 5 Penalty Units**

3. If, prior to the completion of the Building Work, there is a change of Builder, the Owner must, within seven days of that change, give written notice to Council.

**Penalty: 8 Penalty Units**

4. The notice under subclause [61.3](#) must specify the date of the change of Builder and be signed by the Owner, the Builder who has been replaced and the new Builder.

**Penalty: 8 Penalty Units**

5. From the date of receipt of the notice under subclause [61.3](#) above, the new Builder specified in the notice becomes the Builder for the purposes of this Local Law.

## 62. BUILDING SITE TOILETS

1. Where any Building Work is carried out on a Building Site that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, the Person in Charge must ensure that:
  - a) a temporary toilet with hand washing facilities is provided on Building Site at all times, and is of a type approved by Council; and
  - b) servicing, maintenance and location of temporary toilets is to the satisfaction of Council

**Penalty: 10 Penalty Units**

2. In agreeing to the location of temporary toilets, Council may consider the impact of the portable toilet facility on the amenity of Properties adjoining the Building Site.

## 63. SITE FENCING

1. Prior to the commencement of any Building Work, the Owner, Builder or Appointed Agent must erect a fence around the entire perimeter of a Building Site which:
  - a) is not less than 1500mm in height;
  - b) is capable of preventing litter from being transported from the Building Site by wind;
  - c) has not more than one access opening which:
    - i) has a width not greater than 2800 mm;
    - ii) is fitted with 1500mm high gates which prevents litter from being transported from the Building Site by wind; and
    - iii) is located to correspond with the vehicle crossing referable to the Building Site.

**Penalty: 10 Penalty Units**

2. The Owner, Builder or Appointed Agent must ensure that the site fencing referred to in subclause [63.1](#) is maintained at all times and remains in place for the duration of the Building Work.

**Penalty: 10 Penalty Units**

## 64. UNSIGHTLY, DILAPIDATED AND DANGEROUS PREMISES

1. The Owner, and/or Occupier of a Property must not allow:
  - a) the Property to become unsightly; or
  - b) the Property to become detrimental to the amenity of the area in which it is located; or
  - c) a Noxious Weed to grow on the Property; or
  - d) vegetation growth of more than 20 centimetres in height on the Property if the Property is located in an Urban Area; or
  - e) unconstrained refuse, rubbish, rubble, demolished or discarded materials from Building Work or other matter to accumulate on the

Property so as to constitute a hazard to the health or safety of any Person.

**Penalty: 10 Penalty Units**

2. An Owner or Occupier of a Property must not cause, allow or suffer a Building located on the Property to become dilapidated or further dilapidated.

**Penalty: 10 Penalty Units**

3. For the purposes of subclause [64.2](#), circumstances in which a Building on Property becomes dilapidated or further dilapidated include any of the following:
- a) the exterior of the Building being in a state of disrepair and having been damaged or defaced so as to:
    - i) affect the visual amenity of the Property; or
    - ii) cause the Building to be out of conformity with the general standard of appearance of other Buildings in the vicinity of the Property; and
  - b) architectural features of the Building not being properly maintained; and
  - c) the Building having been damaged by fire or storm.
4. An Owner or Occupier of a Property must not cause, allow or suffer the Property to be dangerous or likely to cause danger to life or property.

**Penalty: 20 Penalty Units**

5. For the purposes of subclause [64.4](#), circumstances in which a Property is dangerous, or likely to cause danger to life or property, include when the Property has upon it any of the following:
- a) except where allowed under the Planning Scheme, any substance, materials or equipment that is dangerous, or is likely to cause danger to life or property; or
  - b) an unsecured hole or excavation; or
  - c) an unsecured Building that is in a state of disrepair, causing it to be dangerous to life or property.
6. If an Authorised Officer serves a notice to comply in relation to a contravention of subclause [64.4](#) the works required to correct the contravention may include any of the following:
- a) removal of any substance, material or equipment; and
  - b) erection of a suitable fence, barrier or other enclosure; and
  - c) erection of suitable warning signs; and
  - d) securing or filling in a hole or excavation; and
  - e) securing any dilapidated Building.

## 65. SHIPPING CONTAINERS

A Person, other than an Authorised Officer acting in the course of his or her duties, must not:

- a) keep, store, repair or in any other manner use any shipping container upon any Council Land; or

- b) keep, store, repair or in any other manner use any shipping container upon any land other than Council Land that is in a Residential Zone, except in accordance with a Permit.

**Penalty: 10 Penalty Units**

#### 66. PORTABLE SELF-STORAGE CONTAINERS

A Person, other than an Authorised Officer acting in the course of his or her duties, must not:

- a) keep, store, repair or in any other manner use any Portable Self-Storage Container upon any Council Land; or
- b) keep, store, repair or in any other manner use any Portable Self-Storage Container upon any land other than Council Land for more than four consecutive weeks, except in accordance with a Permit.

**Penalty: 5 Penalty Units**

#### 67. HEAVY VEHICLES

An Owner or Occupier of a Property located in a Residential Area must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit, allow a Vehicle with a gross vehicle mass over 4.5 tonnes to be parked, kept stored or repaired on that Property.

**Penalty: 10 Penalty Units**

#### 68. STORAGE & UNREGISTERED VEHICLES

A Person must not, without first obtaining a Permit nor otherwise than in accordance with the conditions of such Permit:

- a) use any Residential Land for the storage of Vehicles or machinery or the dismantling or breaking up of Vehicles or storage;
- b) use Residential Land for the repair or servicing of any Vehicle other than a Vehicle registered or normally housed at the address of the land; or
- c) store more than one (1) unregistered Vehicle on Residential Land in a manner which is unsightly or detrimental to the amenity of the area.

**Penalty: 10 Penalty Units**

### *Division 3 - Open Air Burning and Incinerators*

#### 69. PURPOSE

The purpose of this Division is for:

- a) fire prevention and protection; and
- b) the collection and disposal of refuse; and
- c) the prevention and abatement of nuisances; and
- d) environment control, protection and conservation; and
- e) the prohibition or regulation of the lighting of fires in the Open Air or in an Incinerator; and
- f) minimising airborne particle pollution.

## 70. APPLICATION

This Division applies throughout the whole of the Municipal District except for Land that is or is part of:

- a) a State Forest; or
- b) a National Park; or
- c) Protected Public Land.

## 71. FIRE HAZARDS

1. An Owner or Occupier of a Property must ensure that:
  - a) all necessary steps are taken to:
    - i) prevent fire on; and
    - ii) minimise the possibility of a fire spreading from that Property; and
  - b) the Property is kept free of material or substances which may assist the spread of fire.

**Penalty: 5 Penalty Units**

2. For the purpose of sub-clause [71.1.b](#) “material and substances” includes undergrowth, scrub, weeds, stubble, grass (whether alive or dead and whether standing or not standing) and any other vegetation, wood, flammable liquid or substances.
3. To determine whether:
  - a) there is, on any Property, any material which constitutes or may constitute a fire danger to the Property or any other property; or
  - b) a fire break is required to be made or cleared on any Propertyan Authorised Officer may enter and inspect the Property.
4. In addition to the above requirements, an Owner or Occupier of a Property in a Rural Zone must, between 1 September and 30 April of the following year, put in place and maintain fire breaks in respect of that Property each year by:
  - a) slashing a 20 metre break around the perimeter of the Property; or
  - b) ploughing or grading a 3 metre fire break around the perimeter of the Property; or
  - c) burning a 3 metre fire break around the perimeter of the Property providing a planned burn or 'burn-off' permit is issued by the Country Fire Authority or a Municipal Fire Prevention Officer, if the fire is to be conducted during the Country Fire Authority Declared Fire Danger Period; or
  - d) if the Property abuts Residential Land, then the ploughing or grading of a minimum 25 metre fire break along all the residential fence lines that the property shares with each parcel of Residential Land.

**Penalty: 5 Penalty Units**

## 72. EXEMPTIONS

1. The Owner or Occupier of a Property may request and be granted an exemption from any provision in clause [71](#), if:

- a) the Property contains native or endangered flora or fauna, provided that an approved management plan is given to Council prior to any works being commenced; or
  - b) crops have been planted on the Property and, upon harvest, the required fire breaks will be installed and maintained until a specified date; or
  - c) grazing of Livestock has commenced and will significantly reduce the risk of fire to the satisfaction of an Authorised Officer; or
  - d) there is any other reason which is appropriate in the circumstances.
2. A request for exemption under this clause must be in writing and no exemption will apply unless the applicant has received a written response from Council advising that the exemption has been granted.

### 73. NUISANCE AND PROHIBITION OF BURNING OF CERTAIN MATERIALS

1. A Person must not in:
- a) the Open Air, or
  - b) an Incinerator
- burn any matter, material or substance in such a manner or to such an extent as to
- i) cause a nuisance; or
  - ii) be liable to be injurious or prejudicial to human health; or
  - iii) be offensive to any Person.

**Penalty: 10 Penalty Units**

2. Unless expressly permitted to do so under any other Legislative Enactment, a Person must not burn any:
- a) rubber or plastic substance; or
  - b) petroleum oil or material containing petroleum oil; or
  - c) paint or receptacle which contains or has contained paint; or
  - d) manufactured chemical; or
  - e) food waste.

**Penalty: 20 Penalty Units**

### 74. FIRES ON ROADS

A Person must not light a Fire in the Open Air on a Road:

- a) unless that Person is
  - i) an officer of; or
  - ii) a Person authorised by a Public Body and engaged in fire protection measures for or on behalf of that public body; or
- b) except in accordance with a Permit.

**Penalty: 20 Penalty Units**



**75. FIRES IN THE OPEN AIR OR IN AN INCINERATOR**

1. A Person must not on any Land which is less than two hectares in area light a Fire in:
  - a) the Open Air; or
  - b) an Incineratorexcept in accordance with a Permit.

**Penalty: 20 Penalty Units**

2. Nothing in subclause [75.1](#) applies in respect of a Fire which is authorised to be lit under the provisions of any Legislative Enactments.

**76. DUTY OF OWNER, OCCUPIER AND PERSON IN CHARGE**

The Owner, Occupier and any Person who is in charge of Land on which a Fire is lit, maintained, controlled or exists otherwise than in accordance with this Local Law or any Permit must, upon becoming aware that the Fire is not authorised by this Local Law, immediately take all steps necessary to make secure and then completely extinguish the Fire.

**Penalty: 20 Penalty Units**

**77. PERMITS**

1. In addition to the other requirements of this Local Law, an application for a Permit must state the:
  - a) purpose for which the fire is proposed to be lit; and
  - b) location of the proposed fire; and
  - c) day or days upon which the proposed fire is to be lit and its expected duration.
2. Council may include in a Permit such conditions as it thinks fit, including any or all of the following conditions:
  - a) that not more than one fire in the Open Air may be lit or be allowed to remain alight at any one time; and
  - b) that while a fire remains alight, the material, matter or substance being burnt must at all times occupy a space not exceeding one square metre; and
  - c) that the fire must be supervised by an adult Person from the time it is lit until the time it is completely extinguished; and
  - d) that adequate means must be readily available at all times for extinguishing the fire; and
  - e) that the ground within three metres of any material, matter or substance being burnt must be free from any:
    - i) flammable material; and
    - ii) vegetation except for growing vegetation not exceeding ten centimetres in height; and
  - f) that the space above:
    - i) the matter, material or substance being burnt; and
    - ii) the ground within three metres of the matter, material or substance is free from any vegetation or flammable material; and

- g) that any part of the fire must not be closer than 7.5 metres to a log or stump; and
  - h) that:
    - i) rubber or plastic substance; or
    - ii) petroleum oil or material containing petroleum oil; or
    - iii) paint or receptacle which contains or has contained paint; or
    - iv) manufacture chemical; or
    - v) food wastemust not be burnt.
3. Council must include in a Permit a condition to the effect that a fire must not be lit or allowed to remain alight on any day:
- a) which the Environment Protection Authority has declared as a smog alert day in the whole or any part of Victoria which includes the Municipal District; or
  - b) part of a day which has been declared under Section 40 of the *Country Fire Authority Act 1958* to be one of total fire ban in respect of the whole of the State of Victoria or that part of the State in which is located the Land on which the fire exists.

#### 78. DIRECTIVE POWERS

A Person who, in the opinion of an Authorised Officer, is burning any matter, material or substance upon any Land or on a Road in such a manner or to such an extent as to:

- a) cause a nuisance to a Person upon any Land or on a Road; or
  - b) be liable to be injurious or prejudicial to human health; or
  - c) be offensive to any Person upon any other Land or on a Road
- must immediately extinguish the burning matter, material or substance upon being directed to do so by the Authorised Officer.

**Penalty: 20 Penalty Units**