



WHITEHORSE Community Local Law 2024





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PART 1 – INTRODUCTION

1.1. Local Law

This Local Law is titled Whitehorse City Council Community Local Law 2024.

1.2. Objectives

The objectives of this Local Law are to provide for the:

- (a) protection of the community and Council's assets;
- (b) regulation and management of activities which may be dangerous, unsafe or detrimental to the quality of life for the residents and visitors of the municipal district;
- (c) protection, maintenance and enhancement of the natural environment of the municipal district;
- (d) prevention and management of nuisances which may adversely affect the enjoyment of life or the health, safety and welfare of persons within the municipal district;
- (e) uniform and fair administration of this Local Law; and
- (f) peace, order and good government of the municipal district, in a way that is complementary to the Council Plan.

1.3. Power to Make this Local Law

This Local Law is made pursuant to section 71 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

1.4. Commencement Date

This Local Law commences on 1 September 2024.

1.5. Revocation Date

- 1.5.1 This Local Law will cease to operate on 1 September 2034 unless revoked sooner.
- 1.5.2 On the commencement of this Community Local Law 2024, Community Local Law 2014 is revoked, save that any notice or consent given, or any business, matter or thing commenced, made or done under that Local Law, is not affected.

1.6. Application

This Local Law operates throughout the municipal district.

1.7. Other Legislation

Anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.

1.8. Definitions

Act	means the <i>Local Government Act 2020</i> .
Advertising Sign	means any placard, board, poster, banner, sign (including electronic or animated signage), card, structure or other similar device, whether portable, affixed or attached on or over any land, building, vehicle or structure, which: <ul style="list-style-type: none">• provides information about a business or industry;• advertises the sale or hire of goods; or• promotes a service, event or a competition.
Authorised Officer	means a person appointed as an Authorised Officer under section 224 of the <i>Local Government Act 1989</i> and includes a police officer appointed in accordance with section 224A of that Act.
Barbeque	means a structure or device, used outdoors, that is either fixed or mobile which has as its primary purpose, the cooking of food for human consumption.
Building	includes any building or structure, whether temporary or permanent, or any part of a building or structure.
Building Site	includes any land on which building works are being undertaken.
Building Work	has the same meaning as in the <i>Building Act 1993</i> .
Bulk Rubbish Container	means a bin, skip or other container used for the deposit of waste.
Busking	means to provide public entertainment including street performances which may include singing, dancing, playing a musical instrument, reciting or creating street art.
Camping	means the occupation or use of a tent, annexe or similar structure, sleeping bag, caravan, mobile home or other moveable vehicle for accommodation.
Council	means Whitehorse City Council.
Council Asset	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 Land	means any land or road owned, vested in, managed by or under the control of Council and includes any building or structure on that land or road.
Dangerous	includes 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.
Donation Bin	means a bin or similar structure used for the placement of donated items.
Dilapidated	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.
Farm Animals	includes horses, cattle, sheep, donkeys, mules, goats, pigs and deer or similar of any age.
FOGO	means food organic garden organic.
Goods	includes produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas and any similar type items.
Hard Rubbish	includes house-hold furniture and other domestic items but excludes waste.
Heavy Vehicle	has the same meaning as used in the <i>Road Safety Act 1986</i> .
Incorporated Document	means any document, guidelines, policy, plan or code of practice incorporated by reference into this Local Law.

Incinerator	includes a structure, device or contraption, (not enclosed in any building,) which is used, designed or is capable of being used for the purpose of burning any substance.
Land	means land which is privately owned or occupied, irrespective of its zoning under the Planning Scheme.
Liquor	has the same meaning as in the <i>Liquor Control Reform Act 1998</i> .
Long Vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Mobile Garbage Bin	means a bin or receptacle supplied by Council for the purposes of waste collection including household waste, organic waste, recyclable materials, or other materials which may be regulated by Council.
Mobile Trading	means any vehicle, caravan, trailer, table, stall or other similar structure used for the purpose of selling food or offering goods or services for sale, including any food or drink.
Municipal District	means the municipal district of Council.
Notice to Comply	means a Notice to Comply issued under this Local Law.
Noxious Weeds	includes blackberry, gorse, Chilean needle and serrated tussock.
Nuisance	includes any behaviour or condition which is or is liable to be dangerous to health or is noxious or injurious to personal comfort.
Offence	means an offence under this Local Law.
Occupier	means a person: <ul style="list-style-type: none"> (a) in charge of or having the management or control of land; or (b) who is legally entitled to occupy land (including premises) - and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land.
Organised Activity	means an activity conducted in a reserve upon payment of a fee to the organiser.
Parking Permit	means any parking related permit issued by Council.
Penalty Unit	has the same meaning as used in the <i>Sentencing Act 1991</i> .
Permit	means a permit issued under this Local Law and includes a parking permit issued by Council.
Person	includes a natural person, corporation and a body corporate.
Person in Charge	includes: <ul style="list-style-type: none"> (a) a person in charge of a building site or land where building works are to be carried out; (b) a person who causes building works to be carried out; (c) the owner of the building site and in the case of a company, each director of the company; or (d) the person in charge of an animal or bird.
Planning Scheme	means the Whitehorse Planning Scheme.
Poultry	includes chickens, ducks, geese, peacocks, pheasants, turkeys and guinea fowl.
Public Place	has the same meaning as used in section 3 of the <i>Summary Offences Act 1966</i> which includes any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare.
Road	has the same meaning as used in section 3 of the <i>Local Government Act 1989</i> .
Reserve	means open spaces, including parks and gardens which are owned, occupied or under the control of Council.

Sell	means to: <ol style="list-style-type: none"> (a) sell by means of any machine or mechanical device; (b) barter or exchange; (c) agree to sell; (d) offer or expose for sale; (e) keep or have in possession for sale; or (f) direct, cause or attempt any such acts or things.
Unightly Land	includes land which contains - <ol style="list-style-type: none"> (a) excessive waste; (b) excessive building materials; (c) discarded, rejected, surplus or abandoned solid or liquid materials; (d) dilapidated structures; (e) graffiti; (f) machinery or machinery parts stored on the land for more than 2 months; (g) dilapidated structures; (h) grass or weeds that are 200 millimetres above the surface of the ground; (i) unregistered, unroadworthy, disassembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar, visibly stored on the land for more than 2 months; (j) anything being built which is left incomplete and is detrimental to the appearance of the surrounding area; or (k) any other thing making the land visually unsightly or detrimental to the general amenity of the area, including land which is neglected or unsecured.
Vegetation	includes trees, grass, shrubs, hedges and plants.
Vermin	includes cockroaches, European wasps, mice, rats or any animal which is destructive or a nuisance.
Vehicle	has the same meaning as in the <i>Road Safety Road Rules 2017</i> .
Vehicle Crossing	means a Council approved constructed access point between a privately owned property boundary and a road in order to facilitate vehicular access to and from that property.

1.9. Operator Onus

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.

1.10. Incorporation of Documents

The following documents as made and amended by Council from time to time, and published on Council's website, are incorporated by reference into this Local Law:

- Building and Works Code of Practice.

PART 2 – COUNCIL LAND

2.1. Conduct on Council Land

A person must not, on Council land:

- (a) commit any nuisance;
- (b) act in a manner that endangers a person or animal;
- (c) alter, damage, destroy, remove or interfere with any Council asset;
- (d) behave in a manner which may likely interfere with another person's reasonable use and enjoyment;
- (e) act contrary to a sign displayed by Council; or
- (f) act contrary to any lawful direction of an Authorised Officer or person in charge of a Council facility.

2.2. Activities on Council Land

A person must not, without a permit, on Council land:

- (a) conduct a commercial or organised activity;
- (b) engage in, play, or practice golf unless the land has been designated for that purpose;
- (c) undertake any unauthorised building or construction related activities, including building any structures;
- (d) enter other than through an entrance provided for that purpose;
- (e) park, ride, drive or use a vehicle except in an area designated for that purpose; or
- (f) ride a bicycle or use a wheeled recreational device unless the area has been designated for that purpose and not in a manner which:
 - (i) interferes with another person's use and enjoyment;
 - (ii) endangers any other person; or
 - (iii) causes damage to Council land.

2.3. Property Numbering

Where a property has been allocated a property number by Council, the owner of that property must clearly display the property number in such a manner that it is identifiable from the adjoining road.

2.4. Gateways to Reserves

A person must not, without a permit, install or maintain a gate or other structure to facilitate entry into a reserve from privately owned land.

2.5. Commercial Filming

A person must not, without a permit, engage in any commercial filming or photography on Council land.

2.6. Camping

A person must not, without a permit, camp in a tent, vehicle, caravan or any other temporary or makeshift accommodation on Council land or in a Public Place.

2.7. Donation Bins

A person must not, without a permit, place or authorise to be placed, a donation bin on a road, Council land or in a Public Place.

2.8. Shopping Trolleys

2.8.1 A person must not leave a shopping trolley on a road or in a Public Place, except in an area designated for the leaving of shopping trolleys.

2.8.2 The owner of any shopping trolley, on becoming aware that the shopping trolley has been left other than in compliance with sub-clause 2.8.1, must ensure that the shopping trolley is retrieved when directed to do so by an Authorised Officer.

2.9. Obstructions

A person must not, without a permit, place, authorise to be placed, or allow any obstruction that is on, over or affecting Council land, a road or a Public Place, including items which could:

- (a) cause an obstruction to pedestrians or vehicles; or
- (b) constitute a danger.

2.10. Vegetation Control

A person must not, without a permit, plant, poison, damage or interfere with any vegetation on Council land.

2.11. Bulk Waste Containers and Shipping Containers

A person must not, without a permit, place or cause to be placed a bulk rubbish container or shipping container on a road or Council land.

2.12. Footpath Trading

A person must not, without a permit, on a road or on Council land:

- (a) display an advertising sign;
- (b) offer goods for sale; or
- (c) place any other furniture or item used for trading activities.

2.13. Busking

A person must not, without a permit, busk or spruik on Council land.

2.14. Collections and Fundraising

A person must not, without a permit, solicit, distribute materials or promotional items, collect money or fundraise on Council land.

2.15. Advertisements and Graffiti

A person must not, without a permit, on a road or on Council land:

- (a) write, deface, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or other property under the control of or vested in Council;
- (b) erect or place an advertising sign or cause or authorise another person to do so; or
- (c) erect or place any structure, banner or similar item.

2.16. Consumption of liquor

2.16.1 A person must not, without a permit on Council land or in a Public Place:

- (a) dispense or consume any liquor; or
- (b) have in their possession an open receptacle that contains liquor.

2.16.2 An Authorised Officer may impound any open or unopened container of liquor.

Note: *This clause does not apply where liquor is being consumed within a premises or at a location which is licensed under the Liquor Control Reform Act 1998, or where liquor is provided as part of an organised activity or event that has been approved by Council with a permit.*

2.17. Parking Permits

Where a person obtains a Council issued parking permit, that person must comply with the conditions of use.

PART 3 –AMENITY AND SAFETY

3.1. Condition of Land

3.1.1 An owner or occupier of land must not cause or allow that land to be kept in a manner which is:

- (a) unsightly;
- (b) dangerous or likely to cause danger to life or property; or
- (c) detrimental to the general amenity of the area in which the land it is located.

3.1.2 An Authorised Officer may, by serving a Notice to Comply, direct an owner or occupier of land to temporarily fence that land in order to preserve amenity or uphold public safety.

3.2. Condition of Buildings

The owner of land on which a building exists, must not allow that building to be kept in manner which is:

- (a) dilapidated;
- (b) not secured to prevent unauthorised entry; or
- (c) detrimental to the general amenity of the area in which the land is located.

3.3. Fire Hazards

An owner or occupier of land must not allow any material, including vegetation, which constitutes or is likely to constitute a fire hazard or a source of fuel for any fire, to exist on that land.

3.4. Noxious Weeds

An owner or occupier of land must take all reasonable steps to control, reduce and remove noxious weeds on that land.

3.5. Vermin

An owner or occupier of land must take all reasonable steps to control, reduce and remove vermin on that land.

3.6. Trees and Vegetation

The owner or occupier of land must not allow vegetation on that land to:

- (a) overhang onto the footpath, road or Council land at a height of not less than 2.5 metres from the surface of the adjacent footpath or nature strip;
- (b) obstruct or impair the vision or clear passage of a vehicle using the adjacent road;
- (c) obstruct or interfere with the safe and accessible use of the footpath or road adjacent to or near the land;
- (d) encroach upon any adjacent road or Council land; or
- (e) obscure streetlights or traffic control items.

3.7. Fires in the Open Air

3.7.1 An owner or occupier of land must not, without a permit, light, allow to be lit or remain alight a fire:

- (a) in the open air; or
- (b) in an incinerator.

3.7.2 Sub-clause 3.7.1 does not apply to a fire lit:

- (a) in a well-constructed and safe device for the purpose of outdoor heating;
- (b) in a barbeque whilst being used for its intended purpose; or
- (c) by a person authorised to do so by or on behalf of a public authority.

3.8. Storage on a Road

A person must not, without a permit, on Council land, a road or in a Public Place, store, keep or allow to be placed, a boat, caravan or trailer for longer than 14 continuous days.

3.9. Repairing Vehicles

A person must not dismantle, paint, carry out maintenance on or repair a vehicle on a road or on Council land.

Note: Clause 3.9 does not apply to repairs carried out in response to for a mechanical breakdown.

3.10. Abandoned and Unregistered Vehicles

A person must not leave or allow to be left, a vehicle on Council land, a road or in a Public Place that 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 clause 3.10, a vehicle will be considered by Council to be abandoned if the vehicle has not been moved for 2 continuous months.

3.11. Vehicles and Machinery on Land

A person must not, without a permit, use any land for the:

- (a) storage of disused old, used or second-hand machinery, material or goods;
- (b) assembly or dismantling of machinery, material or goods;
- (c) storage of unregistered vehicles or parts of vehicles;
- (d) assembly or dismantling of old or second-hand vehicles; or
- (e) storage of more than 1 caravan -

unless the storage, assembly or dismantling is confined to an enclosed building on the land.

Note: Clause 3.11 does not apply if the use or activity is permitted under the Planning Scheme.

3.12. Heavy and Long Vehicles

A person must not, without a permit, use land to store or keep a heavy vehicle or long vehicle on that land.

Note: *Clause 3.12 does not apply if the activity permitted under the Planning Scheme.*

3.13. Mobile Trading

A person must not, without a permit, on a road or on Council land, sell or offer for sale, any goods or services from a vehicle.

3.14. Camping on Land

The owner or occupier of land must not camp, or allow any other person to camp, on that land in a manner that causes a nuisance.

3.15. Audible Alarms

An owner or occupier of land must not allow an alarm to operate on that land which emits noise beyond the land boundary, unless the audible alarm:

- (a) when activated, is automatically rendered inaudible beyond the boundary of the land within 10 minutes of it being activated; and
- (b) the alarm cannot re-activate until the device has been re-set.

3.16. E-Scooter and E-Bike Scheme

A commercial operator of an e-scooter or e-bike share scheme, must not, without a permit, allow the operation of their e-scooters or e-bikes to be used within the municipal district.

PART 4 - ASSET PROTECTION AND BUILDING SITES

4.1. Asset Protection Permit

The person in charge of building work on land must obtain an Asset Protection Permit at least 7 days prior to the commencement of that building work.

4.2. Building and Works Code of Practice

The person in charge of building work on land must comply with **Whitehorse City Council's Building and Works Code of Practice** being a document incorporated by reference and forming part of this Local Law.

4.3. Vehicle Crossings

4.3.1 An owner or occupier of land must not, without a permit:

- (a) install, construct, alter, remove or reconstruct a temporary or permanent vehicle crossing; or
- (b) allow any vehicle to enter or leave any land except by using the vehicle crossing servicing that land.

4.3.2 An occupier of land must remove a redundant vehicle crossing when directed to do so by Council.

4.4. Falling Substances from Vehicles

A person who drives or operates a vehicle, must not allow any grease, oil, mud, clay or other substances to fall from that vehicle onto a road or Council land.

4.5. Council Assets

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

4.6. Protection and Use of Drains

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.

4.7. Drainage of Land

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; and
- (d) any drain discharges to Council's nominated point of discharge.

4.8. Occupying Council Land for Building Works

A person must not, without a permit:

- (a) occupy any part of a road or Council land for building works; or
- (b) alter the traffic flow or any parking provisions affecting a road or Council land.

PART 5 - WASTE MANAGEMENT

5.1. Waste Collection

5.1.1 An occupier of land to which Council provides a bin and collection service for domestic waste must:

- (a) deposit all refuse generated on the land into the bin provided by Council;
- (b) place the bin for collection on the nature strip or as advised by Council not more than 24 hours before collection;
- (c) return the bin to the land as soon as possible after collection but no later than 24 hours after collection;
- (d) ensure that the bin's lid is closed at all times;
- (e) ensure the bin is not overloaded to a weight exceeding 70kg;
- (f) keep the bin in a clean, inoffensive and sanitary condition;
- (g) remove any litter from a road or Council land which has spilled from the bin supplied to the land; and
- (h) comply with any conditions or requirements that Council applies to the waste collection service.

5.1.2 An occupier of land must not:

- (a) place for collection any refuse other than the type of waste specified for collection in a Council issued general waste, recycling, glass or FOGO bin;
- (b) place out for collection more than two of each general waste, recycling, glass or FOGO bins unless permitted to do so by Council; or
- (c) damage or interfere with any bin not under their control.

5.2. Prohibited Waste

A person must not place any of the following items in a Council issued bin:

- (a) explosive or flammable substances;
- (b) electronic waste (including batteries);
- (c) any medical or infectious waste;
- (d) any material containing asbestos;
- (e) waste derived from building construction or demolition;
- (f) hot ash or embers;
- (g) any item which may compromise the bins structural integrity;
- (h) oil, paint, solvents and similar substances;
- (i) any item that would prevent the lid from closing;
- (j) any hazardous or chemical waste; or
- (k) any volatile or explosive substance.

5.3. Hard Waste Management

5.3.1 Where an occupier of land has arranged for hard rubbish or bundled garden waste to be collected, such waste must be placed out for collection:

- (a) in a manner which does not cause an obstruction to road users or pedestrians; and
- (b) in accordance with any Council issued directives regarding size, location and permitted contents of the hard rubbish.

5.3.2 Any unacceptable items which are not collected by Council's contractor must be removed by the occupier of the land from the nature strip within 24 hours.

5.4. Commercial Waste

An occupier of land where commercial waste is generated must ensure that any receptacle used to collect that waste is:

- (a) kept in a clean, sanitary and inoffensive condition;
- (b) constructed of impervious materials as approved by Council;
- (c) provided with a removable drainage plug if required by an Authorised Officer of a sufficient size and placed in a suitable location to allow the receptacle to be cleaned;
- (d) provided with a fly and vermin proof fully closing lid; and
- (e) placed in an area of the land which is:
 - (i) constructed of an impervious surface approved by Council; and
 - (ii) screened and is adequately fenced as required by Council.

5.5. Maintaining a Waste Receptacle

An occupier of land where waste is generated, must keep all receptacles on that land:

- (a) in a clean, sanitary and inoffensive condition;
- (b) fitted with a secure lid; and
- (c) in a condition which is undamaged and does not undermine safety to the community or waste collectors.

5.6. Restriction of Use of Public Bins

A person must not use a public bin to dispose of waste or recyclables generated from domestic, commercial or industrial premises.

PART 6 – ANIMALS

6.1. Animal Numbers

An owner or occupier of land, must not without a permit, keep or allow to be kept any more than the number of each animal set out in the following table and in accordance with the conditions specified:

Type of Animal	Number	Conditions
Dogs	2	An additional dog can be kept where according to Council records, the dog is 10 years old or more
Cats	2	An additional cat can be kept where according to Council records, the cat is 10 years old or more
Rooster	0	A rooster is not permitted
Poultry	6	Poultry must be kept in a poultry house
Domestic Caged Birds	20	Birds must be kept in appropriate housing
Pigeons	20	Pigeons must be kept in appropriate housing
Farm Animals	0	A permit to keep farm animals can be applied for if the property is over 2000 sqm
Ferrets, Guinea Pigs, Rabbits	5	
Rodents	6	
Reptiles	5	

6.2. Keeping Animals

The owner or occupier of any land where an animal is kept must ensure that:

- (a) the animal is kept in a manner which does not cause a nuisance to any other person because of noise, smell or any other condition;
- (b) the land where the animal is kept is in a clean and sanitary condition;
- (c) the animal is provided with adequate shelter for the welfare needs of the animal; and
- (d) the land is adequately fenced to prevent animals from escaping.

6.3. Animal Housing

The owner or occupier of any land where an animal is kept, must ensure that the animal housing or enclosure:

- (a) is adequate and appropriate based the type and number of animals kept;
- (b) is located at a distance from any property boundary to the satisfaction of an Authorised Officer;
- (c) does not incorporate boundary fencing;
- (d) is clear of materials which may harbour or attract vermin; and
- (e) is constructed and maintained to the satisfaction of an Authorised Officer.

6.4. Animal Waste

A person in charge of an animal on Council land, a road or in a Public Place must:

- (a) carry a suitable device for the collection of excrement from that animal;
- (b) immediately collect any excrement deposited by that animal;
- (c) dispose of the animal faeces in a proper and sanitary manner; and
- (d) ensure that the animal does not defecate on land unless permitted by the owner of that land to do so.

6.5. Animal Nuisance

An owner or occupier of land where an animal is kept, must ensure that the animal does not cause a nuisance.

6.6. Keeping of Bees

The owner or occupier of any land where bees are kept, must keep those bees in accordance with the relevant Apiary Code of Practice.

6.7. Feeding of Birds on Council Land

A person must not, on a road or on Council land, feed birds.

PART 7 – PERMITS

7.1. Applications

7.1.1 An application for a permit under this Local Law must be:

- (a) in a form approved by Council; and
- (b) accompanied by the fee set by Council.

7.1.2 A permit may include any condition which the Council considers to be reasonable and appropriate.

7.2. Decision on Permit Application

After considering all relevant documentation, Council may decide:

- (a) to grant a permit;
- (b) to grant a permit subject to conditions including a requirement to lodge a bond with Council;
- (c) refuse to grant a permit; or
- (d) exempt a person or class of persons from the requirement to obtain a permit.

7.3. Further Requirements

Council may require a permit applicant to:

- (a) provide more information; or
- (b) give public notice of the application.

7.4. Amendments, Suspension or Cancellation of a Permit

7.4.1 Council may amend, suspend or revoke a permit at any time if:

- (a) it is requested to do so by the permit holder;
- (b) a mistake has been made in relation to the issuing of the permit; or
- (c) a material change of circumstances has occurred since the permit was granted.

7.4.2 The Council must give written notice to a permit holder of any correction, cancellation, suspension or amendment of a permit.

7.4.3 Before it cancels a permit, the Council must provide the permit holder an opportunity to make a submission on the proposed cancellation.

7.4.4 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 must be notified of any Notice to Comply subsequently issued by Council.

7.5. Fees

- 7.5.1 Council may, by resolution, determine fees and charges for the purposes of this Local Law.
- 7.5.2 Council may waive, reduce or defer payment of fees and charges in whole or in part, with or without conditions.

7.6. Bonds

- 7.6.1 In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council determines.
- 7.6.2 If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.
- 7.6.3 Where the bond or any part is used pursuant to clause 7.6.2, the person to whom the permit was granted or the property owner may be directed to replenish or increase the bond amount.
- 7.6.4 On satisfactory completion of any works which required a bond, Council must release any applicable bond or remainder of the bond.
- 7.6.5 Council may retain the bond amount and place it into Council's general revenue if the permit holder cannot be located or has not collected the bond payment within 12 months of being notified.

PART 8 – ENFORCEMENT

8.1. Offences

8.1.1 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 one penalty unit for each day after a finding of guilt or conviction for an offence during which the contravention continues.

8.1.2 Where a corporation commits an offence under this Local law, any Directors or Officers of that corporation also commit an offence.

8.2. Notice to Comply

8.2.1 Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, a Notice to Comply may be issued and served on that person.

8.2.2 The period required to comply with a Notice to Comply must be reasonable in the circumstances having regard to the circumstances.

8.3. Infringement Notices

8.3.1 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.

8.3.2 The amount of the fixed penalty is specified in an infringement notice is set out in Schedule 2

8.4. Power to Issue a Direction

Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a verbal or written direction, requiring a person to stop offending and do anything necessary to rectify the offence.

8.5. Urgent Circumstances

In any urgent circumstance arising under this Local Law, an Authorised Officer may take any reasonable action to remedy the situation without first serving a Notice to Comply.

8.6. Exercise of Discretion

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (a) the objectives of this Local Law; and
- (b) any other relevant matter, including extenuating circumstances such as personal or financial hardship.

8.7. Impounding Items

- 8.7.1 An Authorised Officer may immediately move or impound any object, thing or animal which the officer reasonably believes contravenes this Local Law.
- 8.7.2 Following impoundment, an Authorised Officer must, if practicable, serve a Notice of Impoundment on the person whom the officer reasonably believes is the owner of the object, outlining the process for collection.
- 8.7.3 For the purposes of clause 8.7.2, an Authorised Officer may determine that it is not practical to serve a Notice of Impoundment if the impounded item is perishable in which case the Authorised Officer may determine the most appropriate method of disposal.
- 8.7.4 An Authorised Officer may sell, dispose of or destroy an object that isn't collected in the manner specified in the Notice of Impoundment, with any proceeds from the sale being placed in Council's consolidated revenue.
- 8.7.5 An Authorised Officer may direct any person responsible for causing or permitting an obstruction on Council land to remove the obstruction.



Schedule 1 – List of Incorporated Documents

1. Building and Works Code of Practice

Schedule 2 – Infringement Penalties

Clause	Activity	Infringement Penalty Unit(s) Person	Infringement Penalty Unit(s) Corporation
PART 2 – COUNCIL LAND			
2.1 (a)–(f)	Conduct on Council Land	2	4
2.2 (a)–(f)	Activities on Council Land	2	4
2.3	Property Numbering	1	2
2.4	Gateways to Reserves	1	2
2.5	Commercial Filming	2	4
2.6	Camping	1	2
2.7	Donation Bins	2	4
2.8	Shopping Trolleys	2	4
2.9 (a)-(b)	Obstructions	2	4
2.10	Vegetation Control	3	6
2.11	Bulk Waste Containers and Shopping Containers	2	4
2.12 (a)-(c)	Footpath Trading	2	4
2.13	Busking	1	2
2.14	Collections and Fundraising	1	2
2.15 (a)–(c)	Advertisements and Graffiti	2	4
2.16 (a)-(b)	Consumption of Liquor	2	4
2.17	Parking Permits	2	4
PART 3 – AMENITY AND SAFETY			
3.1 (a)–(c)	Condition of Land	2	4
3.2 (a)–(c)	Condition of Buildings	2	4
3.3	Fire Hazards	2	4
3.4	Noxious Weeds	2	4
3.5	Vermin	2	4
3.6 (a)-(e)	Trees and Vegetation	2	4
3.7 (a)-(b)	Fires in the Open Air	2	4
3.8	Storage on a Road	2	4
3.9	Repairing of Vehicles	2	4
3.10	Abandoned and Unregistered Vehicles	2	4
3.11(a)-(e)	Vehicles and Machinery on Land	2	4
3.12	Heavy and Long Vehicles	2	4
3.13	Mobile Trading	2	4
3.14	Camping on Land	2	4
3.15 (a)-(b)	Audible Alarms	1	2
3.16	E-Scooter and E-Bike Scheme	2	4
PART 4 – ASSET PROTECTION AND BUILDING SITES			
4.1	Asset Protection Permit	3	6
4.2	Building and Works Code of Practice	4	8
4.3	Vehicle Crossing	3	6
4.4	Falling Substances from Vehicles	3	6
4.5	Council Assets	3	6
4.6 (a)-(d)	Protection of Council Drains	3	6
4.7 (a)-(d)	Drainage of Land	3	6

Clause	Activity	Infringement Penalty Unit(s) Person	Infringement Penalty Unit(s) Corporation
4.8 (a)-(b)	Occupying Council Land for Building Works	3	6
PART 5 - WASTE			
5.1 (a)-(h)	Waste Collection	2	4
5.2 (a)-(k)	Prohibited Waste	3	6
5.3 (a)-(b)	Hard Waste Management	2	4
5.4 (a)-(e)	Commercial Waste	2	4
5.5 (a)-(c)	Maintaining a Receptacle	2	4
5.6	Restriction of Use of Public Bins	2	4
PART 6 – ANIMALS			
6.1	Animal Numbers	2	4
6.2 (a) - (d)	Keeping of Animals	2	4
6.3 (a) - (f)	Animal Housing	2	4
6.4 (a)-(d)	Animal Waste	2	4
6.5	Animal Nuisance	2	4
6.6	Keeping of Bees	2	4
6.7	Feeding Birds on Council Land	1	2
PART 8 – ENFORCEMENT			
8.1 (b) – (h)	Offences	2	4



ACKNOWLEDGEMENT OF COUNTRY

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the traditional owners of the land. We pay our respects to their Elders past, present and emerging.

CONTACTING COUNCIL

Postal Address: Whitehorse City Council
Locked Bag 2
Nunawading 3131

ABN: 39 549 568 822

Telephone: 9262 6333 (including language support)

NRS: 133 677 then quote 9262 6333
(Service for deaf or hearing impaired people)

Service Centre: Whitehorse Civic Centre
379-399 Whitehorse Road,
Nunawading 3131

Website: www.whitehorse.vic.gov.au/contact-us

Email: customer.service@whitehorse.vic.gov.au

Social Media: Connect with Whitehorse City Council



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