

## PART 5 – YOUR PROPERTY, TREES & PETS

### YOUR PROPERTY

#### 25. COUNCIL TO APPROVE ROAD NAMES

- (1) A Person must not apply a name to a Road without the consent of the Council.

Penalty: 10 Penalty Units

- (2) When considering the allocation of a name for a Road, the Council or an Authorised or Delegated Officer is to have regard to Council's Naming of Streets and Reserves Policy incorporated in Schedule 2 and the guidelines incorporated in Schedule 1.
- (3) Nothing in sub-clause (1) applies to Vic Roads in relation to any Road which is a State road within the meaning of the Road Management Act 2004.

*Guidelines for the Naming of Roads, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*The Council's Naming of Streets and Reserves Policy, as determined by the Council from time to time, is incorporated in Schedule 2.*

#### 26. PROPERTY NUMBERS

- (1) The Council or an Authorised or Delegated Officer may allocate a property number to each property in the Municipal District and, from time to time, may make changes to property numbers.
- (2) For each property that has been allocated a property number under this clause, the owner of the property must mark the property with the number allocated and that number must be of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the nearest Road under all normal lighting conditions.

Penalty: 10 Penalty Units

*Guidelines for determining the sufficiency of size location and visibility of property numbers, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

#### 27. UNSIGHTLY LAND

- (1) An owner or occupier of land must not cause or allow the land to be kept in a manner which is unsightly or detrimental to the general amenity of the neighbourhood in which it is located, including land which:
  - (a) harbours unconstrained rubbish;
  - (b) contains disused excavation or waste material; or

- (c) has undergrowth exceeding 300mm in height but excluding the natural height of native Australian grasses cultivated in a planned or landscaped garden and excluding Municipal Reserves maintained under an approved management plan.

Penalty: 20 Penalty Units

- (2) An owner or occupier of Private Property must not allow any graffiti to remain on any building, wall, fence, post or other structure or object erected on that property.

Penalty: 10 Penalty Units

- (3) A Person who owns or has vested in him, her or it, or who has the control and management of, any building, wall, fence, post or other structure or object, or any asset, located on Council Land must not allow any graffiti to remain on that building, wall, fence, post or other structure or object, or asset.

Penalty: 10 Penalty Units

- (4) No offence will be committed under sub-clause (2) or sub-clause (3) until a Notice to Comply has been issued and the owner, occupier or Person (as the case may be) has failed to comply with the Notice to Comply within the required time, which time shall be reasonable in the circumstances.

## **28. DANGEROUS LAND**

An owner or occupier of land must not cause or allow the land to be kept in a manner which is dangerous or likely to cause danger to life or property, including but not limited to land which is:

- (1) a haven for vermin, Noxious Weeds, or insects;
- (2) used without a Permit for the storage of any substance which is dangerous or is likely to cause danger to life or property; or
- (3) occupied by an unsecured hole or excavation.

Penalty: 20 Penalty Units

## **29. DOMESTIC WASTE INCLUDING RECYCLABLE AND HARD RUBBISH COLLECTION**

The occupier of every dwelling or other land to which the Council provides a waste collection service (including a recyclable material and hard rubbish collection) must comply with the Guidelines for domestic waste, recyclable and hard rubbish services incorporated in Schedule 1 to this Local Law.

Penalty: 10 Penalty Units

*Guidelines for domestic waste, recyclable and hard rubbish collection services, as determined by the Council from time to time, are incorporated in in Schedule 1 of this Local Law.*

### **30. REMOVING RECYCLABLE MATERIAL & HARD RUBBISH**

- (1) A Person must not remove or interfere with any Recyclable Material or hard rubbish left on a Road, or at any other collection point, for collection in accordance with any instructions determined by the Council and published on the Council's website.

Penalty: 10 Penalty Units

- (2) Sub-clause (1) does not apply to a Person authorised by the Council to remove such Recyclable Material or hard rubbish or any employee of such a Person in the course of his or her employment, the Person placing the Recyclable Material or hard rubbish for collection or an Authorised Officer in the course of his or her employment.

### **31. BURNING OF MATERIALS**

<i>Clean air is a part of the amenity of our neighbourhoods and all Persons need to avoid creating unreasonably offensive emissions of smoke and odour that may invade neighbouring properties from burning materials in the open.</i>
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- (1) A Person must not burn or cause to be burnt in the open in any part of the Municipal District:
- (a) any offensive materials; or
  - (b) any materials that cause offensive emissions of smoke and odour to enter any neighbouring property.

Penalty: 20 Penalty Units

- (2) A Person must not, without a Permit, burn or cause to be burnt outside any materials other than offensive materials, whether in the open air or in any built or manufactured Incinerator or similar device, except that a permanent or portable Barbeque, or a manufactured fireplace for the purpose of outdoor heating do not require a Permit.

Penalty: 20 Penalty Units

- (3) Council staff members and Persons contracted or authorised by the Council for the purpose may, without a Permit, undertake controlled burning-off as part of normal scheduled parks maintenance on any Council.

*Guidelines, as determined by the Council from time to time, for determining whether an offence has been committed and for the issue of a permit in relation to the burning of materials under this local law are incorporated in Schedule 1 this Local Law.*

### **32. FIRE HAZARDS**

Each owner and occupier of land must ensure that:

- (1) all necessary steps are taken to prevent fires on that land and minimise the possibility of the spread of fire from that land; and

- (2) the land is kept free of undergrowth, scrub, bracken, ferns, weeds, stubble and grass, whether alive or dead, exceeding 300mm in height and whether standing or not standing (but excluding the natural height of native Australian grasses cultivated in a planned or landscaped garden and excluding Municipal Reserves maintained under an approved management plan) and any other material or substance likely to assist in the spread of fire, whether of a similar kind to that mentioned or not.

Penalty: 20 Penalty Units

### **33. CAMPING ON PRIVATE PROPERTY**

- (1) A Person, must not, without a Permit, camp on Private Property in a tent, campervan, caravan or other temporary or makeshift structure unless such Person is within a licensed caravan park or an area determined to be available for camping purposes by the Council.

Penalty: 10 Penalty Units.

- (2) Sub-clause (1) does not apply to occupation of a tent, campervan, or caravan on Private Property for a period of up to twenty-eight (28) days in any year provided that sanitation and laundry facilities of a Dwelling on the property are available to the occupants of the caravan.
- (3) In determining whether to grant a Permit, the Council or an Authorised or Delegated Officer must have regard to the guidelines as determined by the Council from time to time and incorporated in Schedule 1 to this Local Law.

*Guidelines for the camping on private property, as determined by the Council from time to time, are incorporated in Schedule 1.*

### **34. AUDIBLE INTRUDER ALARMS**

<i>Audible intruder alarms correctly installed and adjusted enhance personal safety and property security but inappropriate or malfunctioning alarms can adversely impact the quiet enjoyment of neighbouring residents and the community.</i>
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An owner or occupier of any property must not install or allow to be installed or cause to be retained and active on that property any Audible Intruder Alarm which breaches the operating guidelines in Schedule 1 to this Local Law.

Penalty: 10 Penalty Units

*Guidelines for audible intruder alarms, as determined by the Council from time to time, are incorporated in Schedule 1.*

### **35. SHIPPING CONTAINERS**

A Person must not:

- (1) keep, store, repair or in any other manner use any shipping container upon any Council Land except that Council may do so; or
- (2) keep, store, repair or in any other manner use any shipping container upon any Private Property, except in accordance with a Permit.

Penalty: 20 Penalty Units

*Guidelines for Shipping Containers on Private Property, as determined by the Council from time to time, are incorporated in Schedule 1.*

*Permit Conditions for Shipping Containers on Private Property, as determined by the Council from time to time, are incorporated in Schedule 3.*

## YOUR TREES

*Note: Some trees incur a higher level of protection under Bayside City Council's Planning Scheme than under this Local Law.*

### 36. TREE PROTECTION

*Protecting and expanding the tree canopy of the entire municipality is an integral part of neighbourhood amenity, natural beauty and a sustainable environment and is recognised in the Council's Tree Protection Policy set out in Schedule 2 to this Local Law.*

(1) A Person must not, without a Permit:

- (a) destroy, damage or remove or allow to be destroyed, damaged or removed on any Private Property; or
- (b) cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned on any Private Property

any Significant Tree or any other protected Tree.

Penalty for contravention of clause 36(1)(a): 20 Penalty Units

Penalty for contravention of clause 36(1)(b): 10 Penalty Units

(2) For the purposes of sub-clause (1) a protected Tree is a Tree with a Single Trunk Circumference or Combined Trunk Circumference greater than 155 centimetres measured at one metre above ground level but excluding species which are declared Noxious Weeds.

(3) If a Permit has been granted and contains a condition requiring the planting of one or more replacement Trees, a Person must not, except in accordance with another Permit granted by the Council or an Authorised or Delegated Officer:

- (a) destroy, damage or remove or allow to be destroyed, damaged or removed; or
- (b) cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned,

any Tree planted under that condition.

Penalty for contravention of clause 36(3)(a): 20 Penalty Units

Penalty for contravention of clause 36(3)(b): 10 Penalty Units

(4) The Council must maintain a significant tree register recording all Significant Trees within the Municipal District, and ensure that such register can be inspected at the Council's principal office during normal business hours.

*Guidelines for the protection, removal or pruning of Trees, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

*The Council's Management of Tree Protection on Private Property Policy, as determined by the Council from time to time, is incorporated in Schedule 2.*

### **37. TREES AND PLANTS NOT TO OBSTRUCT OR OBSCURE**

A Person must not, without a Permit, allow any Tree or plant in, or growing on, land owned or occupied by him or her, to obstruct or interfere with the passage of Traffic by:

- (a) overhanging any Footpath at a height lower than 2.4 metres, or
- (b) extend, obstruct or obscure in any other way described in the Guidelines for Trees and Plants not to Obstruct or Obscure as determined by the Council from time to time and incorporated in Schedule 1.

Penalty: 10 Penalty Units

*Guidelines for the Removal of Overhanging Tree Obstructions, as determined by Council from time to time, are incorporated in Schedule to this Local Law.*

### **38. TREES OR PLANTS CAUSING DAMAGE TO A MUNICIPAL PLACE**

- (1) A Person must not allow any Tree or plant on his or her land to cause damage to or interference with any fixture or other erection in a Municipal Place or drain vested in or under the control of the Council.

Penalty: 20 Penalty Units

- (2) No offence will be committed under sub-clause (1) until a Notice to Comply has been issued and the Person has failed to comply with the Notice within the required time, which time shall be reasonable in the circumstances.

## YOUR PETS

### 39. KEEPING ANIMALS

- (1) An owner or occupier of land must not, without a Permit, keep or allow to be kept more than six (6) different types of Animals on any one parcel of land at any time and must not keep or allow to be kept any more in number for each type of Animal than is set out in the following table:

Cats.....	2
Cattle .....	Zero
Dogs .....	2
Domestic Birds (excluding Noisy Birds) .....	20
Domestic Fish .....	No maximum limit
Domestic Mice .....	20
Domestic Rabbits .....	4
Domestic Turtles, Tortoises, Frogs and the like .....	No maximum limit
Goats .....	Zero
Guinea Pigs .....	4
Horses/Donkeys and the like.....	Zero
Large Birds and/or Noisy Birds .....	Zero
Pigeons .....	Zero
Pigs.....	Zero
Poultry.....	10
Sheep .....	Zero
Any other agricultural animals.....	Zero

Penalty: 10 Penalty Units

- (2) Unless contrary to other State or Commonwealth legislation, a Permit is also required to keep or allow to be kept any exotic, wild, dangerous or large Animal not listed in sub-clause (1).
- (3) For the purpose of calculating the numbers of Animals kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from 12 weeks after their birth.

*Guidelines for the Keeping of Animals, as determined by the Council from time to time, are incorporated in Schedule 1 to this Local Law.*

### 40. ANIMAL ACCOMMODATION

The owner or occupier of any land on which Animals are kept must provide accommodation in accordance with the guidelines in Schedule 1 to this Local Law.

Penalty: 10 Penalty Units



*Guidelines for Animal Accommodation as determined by Council from time to time are incorporated in Schedule 1*

**41. ANIMAL EXCREMENT**

- (1) A Person in charge of any Animal must not allow any part of the Animal's excrement to remain on any Council Land.

Penalty: 10 Penalty Units

- (2) A Person in charge of any Animal on Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer.

Penalty: 10 Penalty Units

**42. WASP NEST(S) TO BE REMOVED**

An owner or occupier of land must, within seven (7) days upon becoming aware of the existence of a wasp's nest or nests on the land, take steps to cause that nest or those nests to be removed.

Penalty: 10 Penalty Units

**42A FEEDING OF BIRDS ON PRIVATE LAND**

An occupier of land must not:

- (1) Feed or continue to feed; or
- (2) Allow or cause to be fed

Any bird on that land if:

- a) that bird is not ordinarily kept on the land; and
- b) the circumstances in which the bird is fed are likely to or do interfere with the material comfort of any other person or the enjoyment by any other person of his or her land.

Penalty: 10 Penalty Units