



EFFECTIVE 20 JULY 2018 TO 19 JULY 2028

General Local Law 2018 (No.1)

(Amendment 1, 2023)

 [stonningtoncouncil](#)

 [StonningtonNews](#)

[STONNINGTON.VIC.GOV.AU](#)



City of
STONNINGTON



PART 1 – PRELIMINARY	5
1. Name and Objectives of Local Law	6
2. Authorising Provision of this Local Law	6
3. Commencement of this Local Law	6
4. Revocation Date of this Local Law	6
5. Definition of Words Used in this Local Law	6
6. Application of the Local Law	8
7. Council Positions	8
8. Conflict with Other Legislation	8
PART 2 – ADMINISTRATION OF THIS LOCAL LAW	9
9. Exercise of Discretions	10
10. Register of Determinations	10
11. Direction of Council: Notice to Comply	10
12. Time to Comply	10
13. Service of Notice to Comply	10
14. Failure to Comply with a Notice to Comply	10
15. Power of Authorised Officers to Act in Urgent Circumstances	10
16. Appeals	10
17. Compliance with Directions and Notices	11
18. Delegations and Authorisations	11
19. Incorporation of Documents	11
PART 3 – THE COMMON SEAL	12
20. Purpose of the Common Seal	13
21. Who Keeps the Common Seal	13
22. Signatures to Accompany the Common Seal	13
23. Affixing the Common Seal	13
24. Unauthorised Use of the Common Seal	13
PART 4 – COUNCIL ADMINISTRATION	14
Part 4 of the Principal Local Law is repealed (at time of Amendment to City of Stonnington Local Law in 2023), see <i>Governance Rules</i> .	
PART 5 – MANAGEMENT OF DRAINS	16
104. Interference with Council Drains, Sewers or Similar	17
105. Maintenance of Drains	17
106. Drainage of Properties	17
PART 6 – VEHICLE CROSSINGS	19
107. Vehicle Crossings	20
108. Temporary Vehicle Crossings	20
109. Repair of Vehicle Crossings	20

PART 7 – PROTECTION OF COUNCIL LAND	21
110. Defacing/Damaging Council Land	22
111. Lighting Fires	22
112. Trees or Plants Causing Damage to Council Land	22
113. Trees and Plants on Council Land	22
114. Temporary Buildings on a Road	22
115. Damage to Kerbs, Paths and Other Assets from Building Work	22
PART 8 – USE OF MUNICIPAL PLACES	25
116. Prohibition of Entry	27
117. Behaviour	27
119. Prohibited Articles	27
120. Directions	27
PART 9 – COUNCIL RESERVES	25
121. Access to Council Reserves	26
122. Use of Council Reserves	26
123. Restrictions	26
PART 10 – ROADS, PUBLIC PLACES AND COUNCIL LAND	28
124. Application	29
125. Shopping Trolleys	29
126. Footpath Trading Policy	29
127. Obstructions	29
128. Repairing Vehicles	29
129. Consumption of Liquor	29
130. Mobile Cranes	30
131. Hoarding, Scaffolding and Overhead Protective Awning	30
132. Bulk Rubbish and Storage Containers Left on Roads	30
133. Clothing Bins	30
134. Unregistered and Abandoned Vehicles	30
135. Parking Permits	30
136. Filming	30
137. Toy Vehicles	30
PART 11 – STREET SELLING, COLLECTIONS AND DISTRIBUTIONS	31
138. Itinerant Trading	32
139. Street Appeals	32
140. Street Promotions	32
141. Processions, Street Festivals and Street Parties	32

PART 12 – PROTECTION OF THE AMENITY OF THE MUNICIPAL DISTRICT	33
Division 1 – General	34
142. Property Numbers	34
143. Camping and Camping on Council Land or a Road	34
144. Noise	34
145. Advertisements	35
146. Mobile Billboards	36
147. Incinerators and Fires	36
148. Chimneys	36
149. Directive Powers	36
150. Unsightly Premises	36
151. Fencing of Vacant Land	36
152. Securing and Fencing Dilapidated Land	37
153. Vermin and Noxious Weeds	37
154. Dangerous Land	37
155. Motor Vehicles and Machinery	37
156. Overhanging and Encroaching Trees	37
157. Dilapidated Buildings	37
PART 13 – BUILDING ACTIVITY	38
158. Building Definitions	39
159. Building Activity Hours	39
160. Dust Control	39
161. Spoil from Building Sites	39
162. Building Material	39
PART 14 – TREE PROTECTION	40
163. Tree Protection	41
PART 15 – ANIMALS AND BIRDS	43
164. Application of Part	44
165. Conditions Under Which Animals May be Kept	44
166. Keeping of Animals Policy	44
167. Animal Noises	44
168. Animal Excrement	45
169. Wasp Nest(s) and Bee Swarm(s) to be Removed	45
170. Pest Animals	45
171. Fencing of Dogs	45
172. Feeding of Animals and Birds	45

PART 16 – SANITATION	46
173. Supply and Use of Waste Receptacles	47
174. Domestic and Recycling Waste Collection	47
175. Trade Waste Bins and Hoppers	47
176. Council Waste Acceptance Facilities	48
177. Directive Powers	48
PART 17 – PERMITS	49
178. Application for a Permit	50
179. Consideration of Applications	50
180. Permits May be Conditional	50
181. Power to Amend Conditions	51
182. Security Bonds	51
183. Register of Permits	51
184. Duration of Permits	51
185. Correction of Permits	51
186. Cancellation, Suspension or Amendment of Permits	51
187. Transferability of Permits	52
188. Permit Issue and Refusal	52
189. Exemptions	52
190. Information	52
PART 18 – FEES, CHARGES AND COSTS	53
191. Setting Fees and Charges	54
192. Differential or Structured Fees and Charges	54
193. Waiver or Alteration to Fees and Charges	54
PART 19 – INFRINGEMENT NOTICES	55
194. Purpose	56
195. Infringement Notice	56
PART 20 – ENFORCEMENT, OFFENCES AND PROSECUTIONS	57
196. Recovery of Costs	58
197. Offences	58
198. General Penalties	58
199. Power to Impound	58
200. Impersonating Council Staff	58
SCHEDULE 5	59
Procedural Motions Table	60

GENERAL LOCAL LAW 2018

Part 1 – Preliminary

1. Name and Objectives of Local Law

This Local Law is known as the General Local Law No. 1, and the objectives of this Local Law are to provide for:

- (a) the peace, order and good government of the Municipal District;
- (b) the administration of Council powers and functions;
- (c) a safe and healthy environment so the community can enjoy a quality of life that meets its expectations;
- (d) the safe and equitable use and enjoyment of Public Places;
- (e) the protection and enhancement of the amenity and environment of the Municipal District;
- (f) the fair and reasonable use and enjoyment of private land;
- (g) the prohibition, regulation and control of activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood nor nuisance caused to a person nor damage caused to a person's property; and
- (h) the prohibition, regulation and control of activities that may affect urban character and local amenity.

2. Authorising Provision of this Local Law

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

3. Commencement of this Local Law

This Local Law comes into operation on the day after the date of notice of making the Local Law is published in the Victoria Government Gazette.

4. Revocation Date of this Local Law

This Local Law ceases to operate on 19 July 2028.

5. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law:

“Act” means the **Local Government Act 1989**, as amended from time to time.

“Advisory Committee” means an advisory committee established by Council under section 86(1) of the Act.

“Agenda” means the notice of a meeting setting out the business to be transacted at the meeting.

“Animal” includes a bird or reptile.

“Approved Receptacle” means a waste receptacle purchased and supplied by Council.

“Asset Protection Permit Bond” means a bond, bank guarantee or like security required to be paid under a Permit.

“Assistance Animal” has the same meaning as in section 9 of the **Disability Discrimination Act 1992** (Cth).

“Authorised Officer” means a person appointed by Council to be an Authorised Officer pursuant to section 224 of the Act or treated by section 224A of that Act 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.

“Barbecue” means a permanent structure, device or contraption:

- (a) designed or constructed for the purpose of cooking food in the open air for human consumption; and
- (b) which is being used for the purpose of cooking food or prior to or subsequent to cooking food.

“Building” includes a part of a building, a structure, temporary structure, part of a temporary building, outbuilding, fence, wall, provision for lighting, heating, water supply, drainage and sewerage and any other appurtenances of a building.

“Chairperson” means the Chairperson of the meeting and includes an acting, a temporary and a substitute Chairperson.

“Chief Executive Officer” means the Chief Executive Officer of Council appointed in accordance with section 94 of the Act, or other person appointed to act in that position during the Chief Executive Officer's absence.

“Chimney” includes a structure or opening of any kind from or through which smoke or air impurity may be emitted from a building.

“Committee” means an advisory Committee or a Special Committee.

“Common Seal” means the common seal of Council.

“Confidential Business” means:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any matter that Council or the Special Committee considers would prejudice Council or any person;

- (i) a resolution to close the meeting to members of the public.

“Construct” includes build, construct, erect, place in position, re-build, re-construct, re-erect, replace in position or do any structural work.

“Council” means Stonnington City Council.

“Council Land” means all land:

- (a) owned, leased, managed or occupied by Council; or
 (b) vested in Council or under the control of Council and which it has a duty to maintain.

“Council Meeting” means an Ordinary Meeting or a Special Meeting of Council.

“Council Reserve” means Council land that is:

- (a) a sports ground; or
 (b) a park; or
 (c) a nature reservation; or
 (d) a facility provided or used in association with activities at a sporting ground, park or nature reservation; or
 (e) a place specified in the Procedure and Protocol Manual; or
 (f) a reserve, as declared by resolution of the Council; or
 (g) purchased by, leased or otherwise provided to or managed or controlled by Council for a recreation, cultural or entertainment purpose.

“Council Waste Depot” includes:

- (a) any depot or station for the collection or transfer of Waste; or
 (b) any Waste disposal landfill site, operated by or on behalf of Council.

“Councillor” means an elected person who holds the office of a member of Council.

“Delegate” means a delegate appointed on the nomination of Council.

“Election Period” means the election period as defined in section 3 of the Act.

“Extraordinary Vacancy” means an extraordinary vacancy as described in section 69(1) of the Act.

“Fire” includes smouldering or causing smoke (whether or not there is a conflagration) but does not include:

- (a) a fire lit in the course of official duties by a member of a Fire Brigade;
 (b) a domestic appliance; or
 (c) a tool of trade.

“Footpath Trading Policy” means the code regulating activities that occur on the footpaths as adopted by Council by resolution dated 17 September 2007 as amended by Council from time to time.

“General Election” means a general election as described in section 31 of the Act.

“Director” means a member of staff occupying a second-level position in the organisational structure of the organisation as approved by Council.

“Goods” includes food or services.

“Graffiti” includes any inscriptions or drawings scribbled, scratched, sprayed or otherwise applied, as determined by Council, on any surface.

“Hard Waste” means garden refuse, any rubbish of a size, shape, nature or volume that cannot be contained in an Approved Receptacle including any brick, concrete, masonry or engine parts and any other type of rubbish prescribed by Council.

“Liquor” means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

“Litter Device” means an apparatus designed for the purpose of removing Animal excrement and includes a paper or plastic bag.

“Manager” includes:

- (a) the person for the time being holding the office of Manager of a swim centre;
 (b) any person from time to time acting as Manager of a swim centre;
 (c) any person from time to time appointed or authorised by Council to deal with, form an opinion, or act in regard to any act, matter or thing required or authorised to be dealt with or acted in regard to by a Manager;
 (d) the person for the time being holding the office of Library Coordinator, or the person in charge of each branch library or history service, or senior on Duty Officer;
 (e) the person for the time being holding the office of Director or Manager of the City of Stonnington; and
 (f) any person holding the office of or from time to time acting as Manager of a municipal building.

“Material or Substance” includes undergrowth, scrub, bracken, ferns, weeds, stubble and grass (whether alive or dead and whether standing or not standing).

“Mayor” means the Mayor of Council and any person acting as Mayor.

“Meeting” means an Ordinary or a Special meeting of Council, a Special Committee meeting or an Advisory Committee meeting.

“Member” means a Councillor or a member of a Special Committee Meeting.

“Motor Vehicle” has the same meaning as in the **Road Safety Act 1986**.

“Municipal District” means Council’s municipal district.

“Municipal Place” means the area which the public as the public may go (whether an admission fee is required or not) of a Library, building, golf course or swimming pool that is owned, managed or under the control of Council.

“Notice to Comply” means a Notice to Comply given under clause 11 specifically provided for in any other clause.

“Occasional Event” means a gathering of 30 or more people for any purpose.

“Ordinary Meeting” means an ordinary meeting of Council as described in section 83(a) of the Act.

“Penalty Unit” has the same meaning as set out in section 110 of the **Sentencing Act 1991**.

“Permit”, when used as a noun, means a written permit issued under this Local Law.

“Personal explanation” means an explanation about an action or statement where that action or statement reflects, or may reflect, on the personal qualities, conduct or reputation of the person making the explanation.

“Planning Scheme” means the Stonnington Planning Scheme or any replacement scheme.

“Principal Local Law” means the General Local Law No.1 made by Council.

“Public Body” means any government department or municipal Council or body established for a public purpose by an Act of the Parliament of Victoria, any other state or territory of the Commonwealth, or the Commonwealth.

“Public Place” has the same meaning as in the **Summary Offences Act 1966**.

“Road” has the same meaning as in the **Local Government Act 1989**.

“Segway” means a two wheeled self-balancing scooter.

“Sell” includes:

- (a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and
- (b) sell for re-sale.

“Service Centre” means an administrative office of the Council.

“Special Committee” means a Special Committee established by Council under section 86 of the Act.

“Special Meeting” means a special meeting of Council as described in section 83(b) of the Act.

“Statutory Meeting” means a meeting of Council at which the Mayor is elected, as described in section 84A of the Act or as called under clause 26.

“Vehicle” has the same meaning as in the **Road Safety Act 1986**.

6. Application of the Local Law

- (1) This Local Law applies throughout the whole of the Municipal District.
- (2) Nothing in this Local Law relating to an Animal in general or a dog in particular prevents:
 - (a) a person being entitled at all times and in all places to be accompanied by an Assistance Animal; or
 - (b) a member of the police force or government agency in charge of a dog from carrying out their law enforcement duties.
- (3) This Local Law does not apply to an Authorised Officer or a member of Council staff in the course of carrying out that person’s powers and duties.
- (4) This Local Law does not apply to a person engaged to undertake any activity on behalf of Council.
- (5) No footnote in this Local Law shall be taken to form part of the Local Law.
- (6) Explanatory notes shall not be taken to form part of the Local Law. They are provided to assist understanding.

7. Council Positions

- (1) A reference to a person by way of that person’s position with Council includes a person:
 - (a) authorised to carry out the powers, duties and functions of that position at Council;
 - (b) acting in that capacity; or
 - (c) if that position in Council ceases to exist, any person exercising any power, duty or function that was previously a power, duty or function of the previous position.

8. Conflict with Other Legislation

- (1) This Local Law does not apply where any act or thing is authorised by or under the Planning Scheme.

GENERAL LOCAL LAW 2018

Part 2 – Administration of this Local Law

9. Exercise of Discretions

- (1) In exercising a discretion in this Local Law, the matters that Council are to have regard to include:
 - (a) the objectives and purposes of this Local Law;
 - (b) any standards and codes of practice adopted by Council from time to time; and
 - (c) any guidelines adopted by Council from time to time.
- (2) Council may prepare guidelines for use by Council, a member of Council staff, Authorised Officers and other persons for the purposes of this Local Law.
- (3) Guidelines prepared by Council must not be inconsistent with the objectives of this Local Law or with the standards and codes of practice as adopted by Council.
- (4) In preparing guidelines, Council must have regard to the objectives of this Local Law and the standards and codes of practice as adopted by Council.

10. Register of Determinations

- (1) A standard, code of practice or guideline adopted by Council for the purposes of this Local Law must be maintained by the Chief Executive Officer in a register kept for that purpose.
- (2) The register must be available for inspection at the office of Council during normal business hours.

11. Direction of Council: Notice to Comply

- (1) Council may, by a Notice to Comply, make any reasonable direction to a person:
 - (a) to remedy any situation that, in the opinion of Council, constitutes a breach of this Local Law; or
 - (b) to do anything specifically provided in this Local Law and being the subject of a Notice to Comply,
 and the person must comply with that direction.
- (2) Council may determine the form of a Notice to Comply contained in the Procedure and Protocol Manual.

12. Time to Comply

- (1) A Notice to Comply must state the time and date by which the notice must be complied.
- (2) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied; however, the following should be taken into account, where applicable:

- (a) the amount of work involved;
- (b) the degree of difficulty in remedying the situation;
- (c) the availability of necessary materials or other necessary items;
- (d) climatic conditions;
- (e) the degree of risk or potential risk; and
- (f) any other relevant matter.

13. Service of Notice to Comply

A Notice to Comply may be served or given pursuant to section 315 of the **Local Government Act 2020**.

14. Failure to Comply with a Notice to Comply

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

15. Power of Authorised Officers to Act in Urgent Circumstances

- (1) An Authorised Officer may in urgent circumstances arising out of a failure to comply with this Local Law take immediate action to remedy the situation without the necessity to serve a Notice to Comply if:
 - (a) they consider the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply may place a person, Animal, property or thing at risk or in danger; and
 - (b) 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) must not extend beyond what is reasonably necessary to remedy the risk or danger involved.

16. Appeals

- (1) Any person who is aggrieved by a direction or Notice to Comply may, within 28 days after the date of issue of the direction or notice, apply to Council to be heard and may make a written submission for consideration by Council.
- (2) Notwithstanding that a person has made application to Council in sub-clause (1) they are not relieved of the obligation to comply with the direction or Notice to Comply.

17. Compliance with Directions and Notices

(1) Where:

- (a) section 117 of the Local Government Act 2020 does not apply; and
- (b) the person given the direction or served with a Notice to Comply fails to comply with the direction or notice.

Council or any other person, with the approval of Council, may enter upon any land on which there is any such failure to comply and do all such acts, matters or things that are required to comply with the direction or Notice to Comply.

All costs and expenses incurred by Council in carrying out any acts, matters or things described in sub-clause (1) are a debt due to Council from the person on whom the direction or Notice to Comply was given or served.

18. Delegations and Authorisations

In accordance with section 114 of the Act, Council hereby delegates to the Chief Executive Officer and Authorised Officers all the powers, discretions, authorities and considerations of Council under this Local Law including the powers, discretions, authorities and considerations to make a direction by Notice to Comply, the powers, discretions and authority to issue or refuse Permits, fix conditions and durations relevant to Permits, cancel or suspend Permits, require additional information, apply guidelines, standards or codes of practice of Council, waive the need for any Permit or to do any act, matter or thing necessary or incidental to the exercise of any function or power by Council.

19. Incorporation of Documents

- (1) The document titled "Procedure and Protocol Manual", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.
- (2) The document titled "Keeping of Animals Policy", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.
- (3) The document titled "Footpath Trading Policy", as made by Council and published from time to time on Council's website, is hereby incorporated into this Local Law.

GENERAL LOCAL LAW 2018

Part 3 – The Common Seal

20. Purpose of the Common Seal

The purpose of this Part is to regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

21. Who Keeps the Common Seal

The Chief Executive Officer or a Director must keep the Common Seal in safe custody.

22. Signatures to Accompany the Common Seal

Every document to which the Common Seal is affixed must be signed by a Councillor and either the Chief Executive Officer or a Director.

23. Affixing the Common Seal

- (1) The Common Seal may be affixed to a document for the purpose of giving effect to a decision:
 - (a) made by Council resolution;
 - (b) made by resolution of a Special Committee composed solely of Councillors;
 - (c) made by resolution of a Special Committee under delegation; or
 - (d) made by the Chief Executive Officer under delegation.
- (2) The Chief Executive Officer must ensure a Common Seal register is kept that records, for each time the Common Seal is affixed to a document:
 - (a) the names of the people who signed as witnesses;
 - (b) a description of the document to which the Common Seal was affixed;
 - (c) the date on which the Common Seal was affixed;
 - (d) the date of the authorising Council resolution.

- (3) The sealing clause is:

“The COMMON SEAL of the
STONNINGTON CITY COUNCIL
was hereunto affixed in the
presence of:

.....
Councillor

.....
Chief Executive Officer/Director”

- (4) The sealing clause to be used by the Chief Executive Officer under delegation is:

“Signed under delegation on behalf of Stonnington City Council by:

.....
Chief Executive Officer

in the presence of

.....
Witness”

24. Unauthorised Use of the Common Seal

A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

GENERAL LOCAL LAW 2018

Part 4 – Council administration - repealed

This page
has intentionally
been left blank

GENERAL LOCAL LAW 2018

Part 5 – Management of Drains

104. Interference with Council Drains, Sewers or Similar

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

- (a) destroy;
- (b) damage;
- (c) interfere with;
- (d) excavate; or
- (e) tap into,

any drain vested in Council.

(2) A person must not, without a Permit:

- (a) destroy;
- (b) damage;
- (c) interfere with;
- (d) excavate; or
- (e) tap into,

any sewer, watercourse, ditch, creek, gutter, tunnel, bridge, levee, culvert or fence which is in, on or under Council Land.

105. Maintenance of Drains

(1) The owner and occupier of land must ensure that any drain on the land that is not vested in Council or another public authority is operated for the purpose for which it was designed.

(2) The owner and occupier of land must ensure that any drain on the land that is not vested in Council or another public authority is maintained in a condition that is not unsightly or a nuisance.

106. Drainage of Properties

(1) The owner and occupier of land must ensure:

- (a) that the land is adequately drained to the satisfaction of an Authorised Officer;
- (b) that the land does not discharge water that is a nuisance to an owner or occupier of adjoining land; and
- (c) water does not discharge from an air conditioner or other equipment onto a footpath.

This page
has intentionally
been left blank

GENERAL LOCAL LAW 2018

Part 6 – Vehicle Crossings

107. Vehicle Crossings

- (1) The owner and occupier of land must ensure that each point of vehicular access from a Road to the land has an appropriately constructed vehicle crossing.
- (2) A person must not cause, allow or drive a Motor Vehicle from or onto land other than by an appropriately constructed vehicle crossing.
- (3) Council may serve a Notice to Comply on the owner and occupier of land requiring the repair, removal or replacement of a vehicle crossing.

108. Temporary Vehicle Crossings

- (1) A person must construct a temporary vehicle crossing, to the satisfaction of an Authorised Officer, where it is likely that a Motor Vehicle accessing or leaving land, by reason of its nature, size or weight, may damage a kerb, gutter, nature strip, footpath or vehicle crossing.
- (2) If a temporary vehicle crossing has been constructed in accordance with sub-clause (1), a person must not allow a Motor Vehicle to enter the land or exit the land other than by using the temporary vehicle crossing.
- (3) A person who fails to comply with sub-clause (1) or (2) must repair any damage caused to the kerb, gutter, nature strip, footpath, vehicle crossing or other latent damage or, if Council elects to repair any damage, pay to Council the cost of repairing the damage.

109. Repair of Vehicle Crossings

The owner and occupier of land must ensure that each vehicle crossing to that land from an adjacent Road and any channel or pipe under or forming part of that crossing are maintained.

GENERAL LOCAL LAW 2018

Part 7 – Protection of Council Land

110. Defacing/Damaging Council Land

- (1) A person must not, without a Permit, destroy, damage, remove or interfere with:
- (a) Council Land;
 - (b) any building, structure or any other thing on Council Land;
 - (c) anything belonging to Council on Council Land unless allowed by the Council, whether under this Local Law or otherwise; and
 - (d) any Council property or assets owned or managed by Council and located on or in any Council Land.
- (2) A person must not authorise or engage any other person to undertake the activities in sub-clause (1).
- (3) A person must not:
- (a) interfere with or use Council assets in such a way that causes damage or detriment; or
 - (b) any other person could be injured or suffer loss as a result of that interference or use; and
 - (c) attach anything to the Council asset.
- (4) Notwithstanding sub-clause (1), a person may:
- (a) plant vegetation on; or
 - (b) otherwise modify the appearance of the nature strip immediately outside land which they occupy if such planting or modification complies with the Nature Strip Planting Policy.

111. Lighting Fires

- (1) A person must not, without a Permit, light or allow to be lit on or in any Council Land (except where permitted in a Council Reserve):
- (a) any fire; or
 - (b) a barbecue.

112. Trees or Plants Causing Damage to Council Land

The owner and occupier of land must not allow a tree or plant on that land to cause damage to or interfere with Council Land or a building, structure or anything on Council Land.

113. Trees and Plants on Council Land

- (1) A person must not, without a Permit, remove, damage, kill, destroy or adversely affect the health of any part of the tree or plant on Council Land.
- (2) A person must not, without a Permit, prune, cut, trim, or interfere with in any way, any tree or plant on Council Land.

114. Temporary Buildings on a Road

A person must not, without a Permit, for the purpose of enabling any works to be carried out in, on or over a Road:

- (a) occupy or fence off a Road, or part of a Road; or
- (b) erect a structure or temporary crossing for vehicles in, on or over a road.

115. Damage to Kerbs, Paths and Other Assets from Building Work

- (1) If a Building Permit is required for building work on land and that building work, person or class of persons have not been exempted (in accordance with the Procedure and Protocol Manual):

- (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:

- (a) not carry out or allow to be carried out building work on that land unless a Permit has been obtained;
- (b) not carry out or allow to be carried out building work on that land in breach of any conditions of a Permit that has been obtained; and
- (c) pay any Asset Protection Permit bond determined by Council from time to time, in accordance with the Procedure and Protocols Manual.

- (2) Council may exempt any building work, person or class of persons from the requirement of a Permit.

GENERAL LOCAL LAW 2018

Part 8 – Use of Municipal Places

116. Prohibition of Entry

A person must not, without a Permit or in accordance with any other law:

- (a) enter or remain in a Municipal Place without paying the appropriate fee (if any);
- (b) enter or remain in a Municipal Place if that person is less than 10 years of age (except if in the care of an adult guardian);
- (c) enter or remain in a Municipal Place if that person has been refused entry, excluded from entering or directed to leave a Municipal Place by a person who is authorised to do so;
- (d) re-enter a Municipal Place within 24 hours (or such other time as directed) after being excluded from a Municipal Place;
- (e) enter a Municipal Place if that person is suffering from any disease that presents a risk to the health of any other person;
- (f) enter or leave a Municipal Place other than through an entrance or exit provided for the public for that purpose (unless the person is to use a specifically designated exit or entry); or
- (g) have in their possession in or on a Municipal Place any Liquor or other illicit drug which is illegal to possess, or any illegal drug which is used in an illegal manner.

117. Behaviour

(1) A person must not while in or on a Municipal Place:

- (a) behave in a manner that is offensive, indecent, insulting or riotous or engage in any conduct that is dangerous or that interferes with any other person;
- (b) act contrary to any sign or procedure in respect of the use of the Municipal Place;
- (c) have any Animal in their possession other than an Assistance Animal;
- (d) eat or drink other than in an authorised area;
- (e) sell or hire any Goods in the Municipal Place other than with the written consent of a Manager or in accordance with a Permit;
- (f) distribute, leave, post or display any pamphlet, poster, handbill or literature other than with the consent of a Manager.

(2) Council may determine any sign or procedure for the purpose of clause 1(b).

(3) Council or an Authorised Officer may erect and display any sign or procedure for the purpose of clause 1(b).

118. Terms and Conditions of Admission to, or Membership of, a Municipal Place

(1) A person must:

- (a) comply with the terms and conditions of a membership or ticket of admission to any Municipal Place; and
- (b) not sell, transfer, give to or share a membership or ticket of admission to any Municipal Place with any other person.

119. Prohibited Articles

(1) A person must not, without the consent of Council or a Manager, bring into, cause or allow to be brought into or remain in any part of a Municipal Place:

- (a) any wheeled Vehicle, skateboard, scooter or similar thing other than a pram or pusher with a child, a wheelchair for the purpose of assisting a person with a disability or a trolley or other similar device used in the process of assisting the delivery or removal of goods;
- (b) any ball or other inflatable rubber or plastic article that may interfere with the use or enjoyment of any person of the Municipal Place or any part of it;
- (c) any glass or thing containing glass other than a wristwatch, spectacles or thing for testing or sampling purposes pursuant to Regulations made under the **Public Health and Wellbeing Act 2008**; or
- (d) any chemical, substance, liquid or powder that, in the opinion of a member of Council staff, is dangerous to health or has the potential to foul, pollute or soil any part of a Municipal Place or to cause discomfort to any person in a Municipal Place by any means whatsoever.

120. Directions

(1) A person on Council Land must at all times observe and comply with any reasonable direction of a member of Council staff.

(2) A person who fails to comply with a direction given under sub-clause (1) is guilty of an offence.

GENERAL LOCAL LAW 2018

Part 9 – Council Reserves

121. Access to Council Reserves

- (1) A person must not, without a Permit, construct an opening or gate in a fence to access a Council Reserve from residential land.
- (2) A person must not use an opening or gate in a fence to access a Council Reserve from residential land unless in accordance with a Permit.
- (3) A person must not, without a Permit, access residential land from a Council Reserve for the purpose of Building Activity.
- (4) A person must not, without a Permit, carry out any Building Activity in a Council Reserve.

122. Use of Council Reserves

A person must not, without a Permit, in or on any Council Reserve:

- (a) pitch, erect or occupy any tent, marquee or temporary shelter, or any jumping castle, amusement ride or other recreational infrastructure;
- (b) operate or allow to be operated any amusement for which a charge is made;
- (c) light any Fire or allow any Fire to remain alight unless in a fireplace provided by Council;
- (d) use a Barbecue other than a gas Barbecue;
- (e) hold any circus, carnival, fair, event, commercial or promotional activity;
- (f) conduct or attend any rally, procession, demonstration or other public gathering;
- (g) sell, hire or give away any Goods or other thing;
- (h) erect, fix, place or display any advertisement;
- (i) seek a collection of money for any purpose;
- (j) conduct or celebrate any wedding;
- (k) conduct an Occasional Event;
- (l) conduct, participate, prepare or train for any competitive game or sport;
- (m) engage in, play or practice any game that may interfere with the use or enjoyment of the reserve by any other person;
- (n) unless the person is a player, official or competitor at any sports match or sports gathering authorised under this clause, enter or remain within or upon the playing arena during the progress of such sports match or sports gathering;
- (o) conduct personal training services for individuals or groups for which a charge is made;
- (p) ride or drive any horse or Motor Vehicle, except the parking of any Motor Vehicle in any parking area set aside for that purpose by Council;
- (q) park or leave standing any Motor Vehicle except in any parking area set aside for that purpose by Council;
- (r) use or operate a motorised toy car, segway or other motorised recreational vehicle or toy;
- (s) land helicopters or hot air balloons other than in an emergency; or
- (t) enter any plot or area that is set aside for the planting or growing of plants.

123. Restrictions

(1) A person must not:

- (a) fly or allow to be flown any model aeroplane, remote-controlled helicopter or drone over a Council Reserve unless the Council Reserve is exempted for this purpose and specified in the **Procedure and Protocol Manual**.
- (aa) in any Council Reserve engage in, play or practice golf or archery;
- (b) enter a Council Reserve unless that person pays the required charge or entry fee (where applicable);
- (c) consume Liquor in a Council Reserve or designated part of a reserve unless in accordance with any exemption specified in the **Procedure and Protocol Manual**;
- (d) interfere with or remove a structure, notice, building, seat, tree or plant;
- (e) get on or over any fence or gate;
- (f) spit upon or otherwise foul any path or structure;
- (g) shoot, attempt to shoot, snare or attempt to snare, destroy or attempt to destroy any Animal;
- (h) interfere with, hinder or interrupt any member of Council staff or a member of a management committee of the reserve engaged in any duty;
- (i) behave in a manner that is offensive, indecent, insulting, riotous or disorderly or engage in any conduct that is dangerous or that interferes with any other person;
- (j) ride a bicycle, children's toy, skateboard or skates in a manner that may interfere with the use or enjoyment of any part of the Council Reserve by any other person;
- (k) remain at any time when directed to leave the reserve by an Authorised Officer or member of Council staff (even though a fee or charge for admission may have been paid);

- (l) do anything that may endanger a person; or
 - (m) act contrary to a sign erected or authorised by Council or a management committee in respect to the use of the reserve or the conduct of a person in the reserve.
- (2) If an Authorised Officer believes that a person is contravening or has contravened sub-clause (1)(c), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- (3) A person who fails to obey a direction of an Authorised Officer under sub-clause (2) is guilty of an offence.
- (4) Council may designate any area within a Council Reserve for the purpose of clause 1(a).
- (5) Council may determine any sign for the purpose of clause 1(m).
- (6) Council or an Authorised Officer may erect and display any sign for the purpose of clause 1(m).
- (7) Council may prescribe the consumption of liquor in a Council Reserve or prescribed part of a reserve other than in accordance with the requirements specified in the **Procedure and Protocol Manual**;
- (8) Council may designate a Council Reserve or part of a Council Reserve for the purpose of clause 1(c).
- (9) Council may exempt a Council Reserve or part of a Council Reserve for the purpose of clause 1(c).
- (10) Council may prescribe an event that is exempt from the requirement of clause 1(c).

GENERAL LOCAL LAW 2018

Part 10 – Roads, Public Places and Council Land

124. Application

This Division applies to Roads, Public Places and Council Land within the Municipal District.

125. Shopping Trolleys

- (1) A person must not make available for use, or permit to be used, a shopping trolley that does not have a device that is attached and used so as to ensure the return of the shopping trolley to an area specifically designated for storing shopping trolleys.
- (2) Sub-clause (1) does not apply if the person makes available or permits to be used 25 shopping trolleys or less or where the trolley is fitted with a baby capsule.
- (3) Council may exempt a person or a class of people from the application of sub-clause (1).
- (4) A person who makes an application to Council for exemption from sub-clause (1) must not make or cause to be made any false representation.
- (5) A person who makes or causes to be made any false representation is guilty of an offence.
- (6) A person who operates a supermarket or similar activity where shopping trolleys are made available for use or are permitted to be used must ensure that a shopping trolley is not left on any Road or other Public Place.
- (7) A person must not leave, cause to be left or authorise another person to leave a shopping trolley on any Road or other Public Place.
- (8) An Authorised Officer or a person engaged by Council may seize and impound any shopping trolley that is being made available for use, or which is being used, in contravention of this Local Law.
- (9) As soon as practicable after the impoundment of any shopping trolley an Authorised Officer must, if the identity of the person who owns the shopping trolley can be identified, serve a notice of impoundment on that person.
- (10) Any impounded shopping trolley must be returned to the owner of that shopping trolley after:
 - (a) payment of any fees, as determined from time to time by Council, have been paid in full; and
 - (b) evidence of ownership of the shopping trolley is provided to the satisfaction of the Authorised Officer.
- (11) Any impounded shopping trolley not claimed by the owner within the time specified on the notice of impoundment or within 14 days of the impounding, where the owner of the trolley cannot be ascertained, may be disposed of by an Authorised Officer.

126. Footpath Trading Policy

- (1) The Footpath Trading Policy is incorporated into this Local Law.
- (2) A person must not, without a Permit, on Council Land:
 - (a) occupy;
 - (b) place any item or thing;
 - (c) construct or erect any structure or anything; or
 - (d) remove or interfere with any structure or thing.
- (3) A person who contravenes or fails to comply with a requirement of the Footpath Trading Policy imposed on them is guilty of an offence.
- (4) A person who contravenes or fails to comply with a condition of a Permit is guilty of an offence.

127. Obstructions

- (1) A person must not, without a Permit:
 - (a) place any item or thing or attach any structure, item or thing, on Council Land that creates an obstruction; or
 - (b) obstruct or restrict the use of any Road, footpath or Council Land by any means.
- (2) A person must not, without a Permit, attach any structure, item or thing that overhangs, is on, or is above any Road or any other Council Land.

128. Repairing Vehicles

- (1) A person must not on any Road or Council Land service, paint or dismantle any Motor Vehicle.
- (2) A person must not on any Road or Council Land repair any Motor Vehicle, except where necessary to enable that Motor Vehicle to be removed.

129. Consumption of Liquor

- (1) A person must not in a Public Place or within a Motor Vehicle that is in a Public Place, without a Permit:
 - (a) consume any Liquor; or
 - (b) have in their possession or control any Liquor other than Liquor in a sealed container.
- (2) Sub-clause (1) does not apply in such places as may for the time being be:
 - (a) licensed premises within the meaning of the **Liquor Control Reform Act 1998**;
 - (b) an area in which the consumption of Liquor is permitted in accordance with a licence granted under the **Liquor Control Reform Act 1998** or this Local Law; or

(c) an area in which Council has issued a Permit for the consumption of Liquor.

- (3) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- (4) A person who fails to obey a direction of an Authorised Officer under sub-clause (3) is guilty of an offence.

130. Mobile Cranes

A person must not, without a Permit, place, leave standing or use a crane, travel tower, boom, hydraulic arm, lift, tackle or any other machine on or over a Road or Council Land.

131. Hoarding, Scaffolding and Overhead Protective Awning

- (1) A person must not, without a Permit, erect any hoarding, scaffolding, protective barrier or like structure on a Road, Public Place or Council Land.
- (2) A person must not, without a Permit, erect any hoarding, scaffolding, fencing, temporary fencing or like structure on the boundary of private land on which building works is being, or is to be, carried out.
- (3) A person must comply with any requirements imposed on that person in the Procedure and Protocol Manual.
- (4) Council may prescribe any requirements in relation to the requirements of hoarding, scaffolding, protective barriers or like structures including the nature and form, coverings, materials, location and maintenance.

132. Bulk Rubbish and Storage Containers Left on Roads

A person must not, without a Permit, place, leave or permit to be left any:

- (a) bulk rubbish container on a Road or Council Land;
- (b) shipping or other storage container on a Road or Council Land; or
- (c) thing that encroaches on or obstructs the free use of a Road or Council Land or that reduces the breadth or confines the limits of a Road or Council Land.

133. Clothing Bins

A person must not, without a Permit, place a clothing bin on Council Land or on a Road.

134. Unregistered, Abandoned and Obstructing Vehicles

- (1) A person must not, on a Road, Public Place or parking area vested in or under the control of Council, place any unregistered Motor Vehicle or abandon or cause to be abandoned any Motor Vehicle.
- (2) Council may impound any abandoned or unregistered Motor Vehicle found on any Road or in any Public Place or parking area vested in or under the control of Council in accordance with the provisions of the Act.
- (3) A Council may move or impound any vehicle that is causing an unlawful obstruction, or that is unlawfully parked or left standing.

135. Parking Permits

- (1) A person who lives in an area in which a residential parking permit scheme operates may make an application to Council for a residential parking permit.
- (2) A person who has been allocated a residential parking permit must not sell, hire out, lease, license or lend to another person or offer to sell, hire out, lease, license or lend that residential parking permit to any other person.
- (3) A person must not purchase, hire, lease, license or receive, or offer to purchase, hire, lease, license or receive a residential parking permit from a person who has been allocated a residential parking permit.
- (4) The owner and occupier of land on which an advertisement is displayed for the sale, hire, offer for purchase or offer for hire of a parking permit is guilty of an offence.
- (5) A person must not:
- (a) forge or counterfeit a parking permit;
 - (b) use a forged or counterfeit parking permit; or
 - (c) contravene or fail to comply with the conditions of use of a residential parking permit.

136. Filming

A person must not, without a Permit, occupy or allow the occupation of any Road or Council Land for the purposes of filming for commercial purposes or public exhibition or for the placement of any equipment associated with such activity.

137. Toy Vehicles

- (1) For the purpose of this clause a “wheeled recreational vehicle” means any mini bike, trail bike, motor bike, motor scooter, go-cart, Segway or other vehicle propelled by a motor that is normally used for recreational or transport purposes but does not include a motorised wheelchair or electric bicycle.
- (2) A person must not, without a Permit, use, or permit a person to use, a wheeled recreation vehicle on Council Land or a footpath.

GENERAL LOCAL LAW 2018

Part 11 – Street Selling, Collections and Distributions

138. Itinerant Trading

- (1) A person must not, without a Permit:
- (a) erect or place on any Council Land or in any Public Place a Vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling any Goods;
 - (b) sell or attempt to sell any Goods from a property, Road, Council Land or Public Place adjacent to a Road, to any person who is on a property, Road, Council Land or Public Place;
 - (c) have any Good, object or thing on any Council Land or any Public Place for sale, hire, transport or use.
- (2) Sub-clause (1) does not apply to:
- (a) newspapers or magazines that are being home delivered; or
 - (b) the home delivery of Goods purchased at another location or online.

139. Street Appeals

- (1) A person must not, without a Permit, in a Public Place, solicit or collect money, gifts or subscriptions for any purpose or cause or authorise another person to do so.
- (2) Council may exempt any person, class of person or any particular collection activity from requiring a Permit.

140. Street Promotions

- (1) A person must not, without a Permit, on any Road, Council Land or Public Place:
- (a) hand out a document that advertises a political party, commercial event or venture, or is of a fundraising nature;
 - (b) deliver any public address with or without any sound amplification equipment;
 - (c) spruik, tout or solicit the sale of any Goods;
 - (d) conduct any concert, public assembly or public event; or
 - (e) participate in any promotional activity.

141. Processions, Street Festivals and Street Parties

- (1) A person must not, without a Permit, hold, allow to be held or participate in or on a Road:
- (a) a street party; or
 - (b) a street festival or procession.

GENERAL LOCAL LAW 2018

Part 12 – Protection of the Amenity of the Municipal District

Division 1 – General

142. Property Numbers

- (1) Council may from time to time allocate a number to an allotment and may from time to time allocate a different number to an allotment or otherwise change the numbering.
- (2) The owner or occupier of an allotment to which a number has been allocated by Council must mark the allotment with the number in a form that is legible, visible and clear of vegetation and other obstructions and of a minimum size of 80 mm.
- (3) The owner or occupier of an allotment must ensure that all numbers marking the allotment are:
 - (a) made of durable materials;
 - (b) kept in a good state of repair;
 - (c) renewed as often as may be necessary; and
 - (d) located or positioned in accordance with a direction by Council.
- (4) A person must not display a number on an allotment unless the number has been allocated to the allotment by the Council.

143. Camping and Camping on Council Land or a Road

- (1) A person must not have more than one (1) caravan on residential land.
- (2) A person must not occupy or allow another person to occupy a caravan, tent or other thing on residential land for more than three (3) weeks in a calendar year.
- (3) A person must not, without a Permit, camp on Council Land, a Public Place or on any Road in a tent, caravan, Motor Vehicle or other temporary or makeshift structure unless their is within a caravan park licensed under the **Residential Tenancies Act 1997**.
- (4) A person must not leave any personal goods or effects on Council Land, Public Place or any Road as part of any camp.

144. Noise

- (1) The owner, occupier or person in charge of land must not cause or allow noise to emanate from that land that detrimentally affects the amenity of the area.
- (2) A person must not:
 - (a) on or adjacent to any Road; or
 - (b) in a Motor Vehicle or Vehicle on or adjacent to any Road,
 allow noise to emanate that detrimentally affects the amenity of the area.
- (3) An owner, occupier or person in charge of land or a Motor Vehicle must not:
 - (a) install or place (or allow that to occur) on that land or in a Motor Vehicle an audible alarm that when activated is audible outside the land or Motor Vehicle for more than 10 consecutive minutes; or
 - (b) allow an audible alarm installed on land or in a Motor Vehicle to be audible outside the land or Motor Vehicle for more than:
 - (i) 10 consecutive minutes; or
 - (ii) two (2) or more separate periods, each cumulatively amounting to 10 minutes or more within a period of one (1) hour.
- (4) Sub-clause (3) does not apply where the noise is from a different audible alarm or a location that is different from the earlier occasions, or where the noise occurred after the audible alarm had been manually re-set and (in the case of an audible alarm on land) there is displayed on the land, in a prominent location near the front door, details of the name and telephone number of a person (not at the land) who can and will deactivate the audible alarm to prevent a breach of this Local Law.
- (5) A person must not deliver to or pick up goods from land used for commercial purposes if noise from that activity is audible in a habitable room of any residential dwelling between:
 - (a) 10pm and 7am, Monday to Saturday; or
 - (b) 10pm and 9am, Sunday or a public holiday.
- (6) The owner, occupier and person in charge of land used for a commercial purpose must not cause or allow amplified speech or music to be audible outside the land unless each speaker is:
 - (a) within the building on the land;
 - (b) not less than three (3) metres from any entrance to the building;

Table 2

Group	Items	Prohibited times
1.	A motor vehicle (except a vehicle moving in or out of premises), lawn mower or other grass-cutting device and any equipment or appliance not falling within Group 2 having an internal combustion engine	Monday to Friday: before 7am and after 8pm Weekends and public holidays: before 8am and after 8pm
2.	An electric power tool, chain or circular saw, gas or air compressor, pneumatic power tool, hammer and any other impacting tool, grinding equipment	Monday to Friday: before 7am and after 8pm Weekends and public holidays: before 9am and after 8pm
3.	A musical instrument and any electrical amplified sound reproducing equipment including a stereogram, radio, television and public address system	Monday to Thursday: before 7am and after 10pm Friday: before 7am and after 11pm Saturday and public holidays: before 9am and after 11pm Sunday: before 9am and after 10pm
4.	Any electric equipment or appliance not falling within Group 2 or Group 3, including electric gardening equipment	Monday to Friday: before 7am and after 8pm Weekends and public holidays: before 9am and after 8pm

(c) directed away from any wall (that is less than 15 metres from the device), external window or entrance to the building; and

(d) operating at a level that does not exceed 65 dB (LA max) two (2) metres from the façade of a building adjoining a Road.

(7) Without limiting the generality of sub-clause (1), any noise:

(a) emitted from land, other than residential land, from any item at any time that is specified as a prohibited time in respect of that item in Table 2; and

(b) that noise can be heard in a habitable room in any residential dwelling,

is deemed to be detrimental to the amenity of the area unless it is emitted in the case of an emergency.

145. Advertisements

(1) A person must not, without a Permit, write, paint, stencil, place or affix any letter, figure, Graffiti, device, poster, sign or advertisement upon any:

(a) Road;

(b) Council Land;

(c) Building, structure, fixture or any other thing on a Road or Council Land; or

(d) Motor Vehicle, Vehicle, instrument, machinery, device, tool or other item on a Road or Council Land.

(2) Any person who allows, authorises or engages another person to do anything in sub-clause (1) is guilty of an offence.

(3) A person must not, without a Permit, erect and display any real estate sign on or above a verandah, over a footpath or on the façade of a Building on the boundary of a footpath.

(4) An Authorised Officer may remove, or direct to be removed and disposed of, any letter, figure, Graffiti, device, poster, sign or advertisement in contravention of sub-clause (1) or (3).

146. Mobile Billboards

- (1) A person must not, without a Permit, place a mobile billboard on:
 - (a) a Road, Road-related area or Council Land; or
 - (b) any other location likely to interfere with the vision of a pedestrian or driver.
- (2) For the purposes of sub-clause (1) a mobile billboard is an advertising sign that is specifically constructed to be part of a Motor Vehicle or pulled along on a trailer by a Motor Vehicle.
- (3) If a mobile billboard is placed in contravention of sub-clause (1) each of the following persons are guilty of an offence:
 - (a) the person who is responsible for the placement, siting or distribution of the advertising sign including, without limitation, the person who engages another whether as an employee or agent to place, site or distribute the advertising sign; and
 - (b) the person who is the promoter of the premises, property, business, event or activity to which the advertising sign relates.

147. Incinerators and Fires

- (1) A person must not set alight or allow any Fire to remain alight on land or in the open air without a Permit.
- (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 Barbecue.
- (3) An owner, occupier or person in charge of land must not allow a Barbecue to discharge ash or smoke that is dangerous to health or offensive to any other person.

148. Chimneys

The owner and occupier of any land must not cause or knowingly allow or suffer smoke to be emitted from a Chimney that is a nuisance.

149. Directive Powers

- (1) An Authorised Officer may direct a person to extinguish a Fire where the Authorised Officer believes on reasonable grounds that the Fire is causing a nuisance to another person or is contrary to this Local Law.
- (2) Any person who does not comply with the direction of an Authorised Officer in sub-clause (1) or the direction of a member of Victoria Police or member of a fire brigade in relation to a Fire is guilty of an offence.

150. Unsightly Premises

- (1) For the purpose of this section the word 'land' includes any nature strip.
- (2) The owner and occupier of land must not cause or allow the land to be kept in a condition that is unsightly or detrimental to the amenity of the area.
- (3) The owner and occupier of land must ensure that:
 - (a) all necessary steps are taken to prevent Fire on that land and minimise the possibility of the spread of Fire from that land; and
 - (b) the land is kept free of undergrowth, scrub bracken, ferns, weeds, stubble or grass (whether alive or dead exceeding 30 cm in height and whether standing or not standing) and any other material or substance likely to assist in the spread of Fire.
- (4) Without affecting the operation of clause 11, where Council is of the opinion that any land contains:
 - (a) unconstrained rubbish;
 - (b) an excavation that is not part of current works;
 - (c) waste material; or
 - (d) any material or substance on premises that constitutes or is likely to constitute a Fire hazard,
 the Council may serve a Notice to Comply on the owner and occupier of the land for the cleaning up, screening, removal or disposal of any material or substance on that land.

151. Fencing of Vacant Land

- (1) If Council is of the opinion that vacant land is unsightly or waste is being dumped on the land or the land is dangerous, it may, by notice in writing, direct the owner or occupier of any vacant land to erect, repair, replace or modify fencing enclosing the vacant land.
- (2) A notice under this clause may specify:
 - (a) the material with which any fencing to be erected must be constructed;
 - (b) the material to be applied to the fencing to restrict the view into the vacant land; and
 - (c) the height and other dimensions of the fencing to be erected.
- (3) The owner or occupier of any land must comply with a notice directed to that person under clause 11 and must perform any work specified in the notice within the time specified in the notice.

152. Securing and Fencing Dilapidated Land

- (1) Council may, by notice in writing, direct the owner or occupier of land on which any dilapidated dwelling exists to:
 - (a) secure or better secure the dwelling; or
 - (b) fence the land.
- (2) The owner or occupier of any land must comply with a notice directed to that person under clause 11 and must perform any work specified in the notice within the time specified in the notice.

153. Vermin and Noxious Weeds

The owner and occupier of land must ensure that the land and nature strip adjacent to that land do not contain blackberries or a weed that is a noxious weed within the meaning defined in the **Catchment and Land Protection Act 1994**.

154. Dangerous Land

The owner and occupier of land must not allow the land to be kept in a manner that is dangerous or likely to cause danger to life or property.

155. Motor Vehicles and Machinery

- (1) Unless in accordance with the Planning Scheme or a Permit, a person must not use land for:
 - (a) the storage of old or second-hand Motor Vehicles, motor boats, machinery, goods or materials; or
 - (b) dismantling or breaking up of Motor Vehicles, motor boats, machinery, goods or materials.
- (2) Unless in accordance with a Permit or the Planning Scheme, a person must not use land for the repairing or servicing of any Motor Vehicle (except one that is registered under the **Road Safety Act 1986** to that address) or motor boat.
- (3) A person must not in the process of repairing or servicing a Motor Vehicle or motor boat perform any act in a manner that disturbs the peace and quiet of any person in an adjoining dwelling.

156. Overhanging and Encroaching Trees

- (1) The owner and occupier of land must not allow any tree, hedge, plant or vegetation of any kind growing on that land to:
 - (a) overhang any Road at a height less than two and a half (2.5) metres;
 - (b) grow in such a manner so that it obstructs the view of a Motor Vehicle, sign or signal on a Road by any person using that Road; or
 - (c) obstruct a footpath.

157. Dilapidated Buildings

- (1) The owner and occupier of land on which there is a Building must not allow or permit the Building to be dilapidated.
- (2) Where a Building is dilapidated, Council may serve a Notice to Comply on the owner and occupier of the land specifying the works required to correct the dilapidated state, or that the Building be removed or demolished.

GENERAL LOCAL LAW 2018

Part 13 – Building Activity

158. Building Definitions

In this Part:

“Building Activity” includes:

- (a) any act or thing done or to be done on, over or across any land, Road or Council Land for the purpose of or in the course of constructing, repairing, demolishing, pulling down or removing any building;
- (b) the erection or removal of any kind of scaffolding and the excavation and carrying away of earth, soil, clay, rock or material of any kind on, over or across any land, Road or Council Land;
- (c) the moving about of any building equipment or material and any rubble, waste or second-hand building materials on, over or across any land, Road or Council Land; or
- (d) any work or action incidental to the matters referred to in paragraph (a), (b) and (c) conducted on, over or across any land, Road or Council Land.

“Building Activity Hours” means the period of time between 7 am and 6 pm on any week day or the period of time between 9 am and 6 pm on a Saturday.

“Repair” includes the re-construction or renewal of any part of an existing building for the purpose of its maintenance.

159. Building Activity Hours

- (1) A person must not, without a Permit, carry out any Building Activity on land or use any machinery or device ancillary to Building Activity on or over or across a Road or Council Land:
 - (a) on a public holiday;
 - (b) a Sunday; or
 - (c) on any other day outside of Building Activity Hours.
- (2) Sub-clause (1) does not apply to a natural person who:
 - (a) is an owner of the land on which Building Activity is being carried out; and
 - (b) the Building Activity does not require a building permit; and
 - (c) is not a registered builder.

160. Dust Control

- (1) A person carrying out any Building Activity, landscaping or gardening works on land must ensure that dust or spoil is not deposited on any Road.
- (2) A person carrying out any Building Activity, landscaping or gardening works on land must ensure that dust, spoil or other material does not escape from the land to be a nuisance.

- (3) A person carrying out any Building Activity, landscaping or gardening works on land must ensure that any rubbish, waste, water, slime or other debris does not escape from the land.
- (4) A person instructed by an Authorised Officer to rectify, clean up or remedy the dust or spoil referred to in sub-clauses (1) to (3) must immediately rectify the situation to the satisfaction of the Authorised Officer.

161. Spoil from Building Sites

- (1) An owner or occupier of land or a building contractor responsible for Building Activity on that land must not allow a Motor Vehicle to leave the land on which building works are being carried out and enter an adjoining Road unless the wheels and tyres of that Motor Vehicle are clean and free from soil, earth, clay or other debris.
- (2) An owner or occupier and building contractor responsible for Building Activity on that land who allows by consent, neglect, omission or direction the matters in sub-clause (1) to occur is guilty of an offence.

162. Building Material

A person must not, without a Permit, place any building material, rubble, plant, equipment or portable toilet on any Road or Council Land.

GENERAL LOCAL LAW 2018

Part 14 – Tree Protection

163. Tree Protection

(1) In this Part:

“Damage” means to lop, prune or undertake Works near a tree such that the tree is no longer viable in terms of health, structure or stability.

“Prune” means to remove any branches of a tree that are greater than 50 mm in diameter at the point of contact with the larger branches or the trunk.

“Significant Tree” means a tree or palm:

- (a) with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;
- (b) with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;
- (c) with a trunk circumference of 180 cm or greater measured at its base; or
- (d) with a total circumference of all its trunks of 180 cm or greater measured at its base.

Note: See Figure 1 and 2.

“Tree Protection Zone” means the area surrounding a tree’s trunk that contains the roots that are essential to the tree’s continued health, vigour and stability, being a circular area below the tree extending at equal distances from the tree base in all directions, the radius of which is 12 times the trunk diameter measured at 1.4 m above its base.

Note: See Figure 3.

“Works” includes building, trenching, digging, compacting, excavating, filling or storing materials and equipment whether by mechanical or manual methods.

(2) Unless in accordance with a Permit a person must not:

- (a) remove, kill or Damage a Significant Tree; (these actions result in the killing or the necessary removal of the tree and therefore are the most serious offending)
- (b) lop, prune or trim a Significant Tree; (the lopping or pruning of a tree that does not result in the loss of the tree)
- (c) carry out any Works within the Tree Protection Zone of a Significant Tree; or (the carrying out of Works may or may not result in the death of the tree)
- (d) direct, authorise or allow a person to do any of (a), (b) or (c) above.

Note: See Figure 3.

(3) Sub-clause (2) does not apply to:

- (a) a person whose actions are authorised under a Planning Permit under the Planning Scheme;
- (b) a person whose actions are required by any other legislation or by any other statutory authority; or
- (c) a person acting in accordance with an instruction or direction from an Authorised Officer.

(4) If a tree is interfered with in any of the circumstances specified in breach of sub-clause (2) (having regard to sub-clause (3)), the owner of land on which the tree is located is guilty of an offence, whether or not the person who actually contravened sub-clause (2) is identified or prosecuted, unless the owner can prove that the interference was undertaken by another person without the knowledge of the owner.

(5) A person must not, without a Permit, remove, kill, Damage, lop, Prune or trim a Significant Tree that is overhanging property owned or occupied by that person.

(6) In deciding whether to grant a Permit under this clause Council must take into consideration the matters specified in the Procedure and Protocol Manual.

Figure 1: Diagram illustrating how to measure a circumference of the base of different shaped trees.

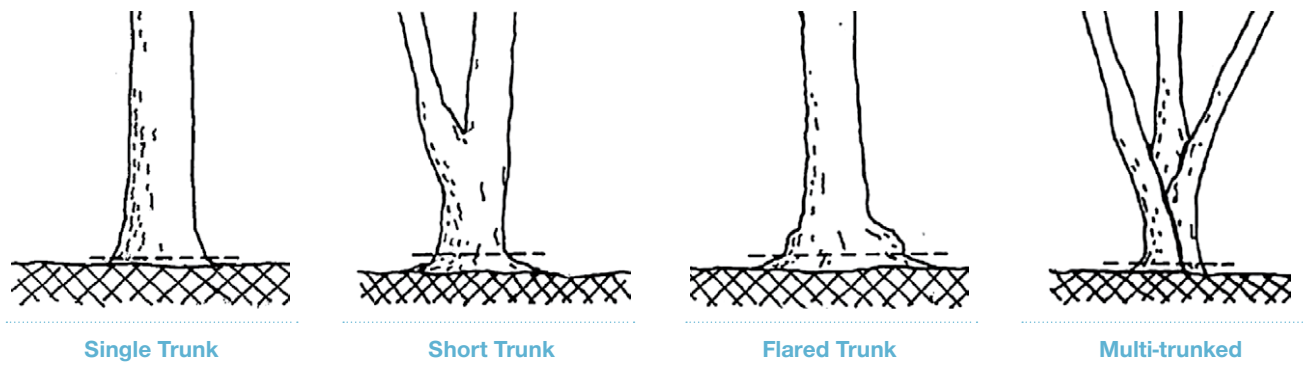


Figure 2: Diagram illustrating where and how to measure the circumference at 1.4m above ground level.

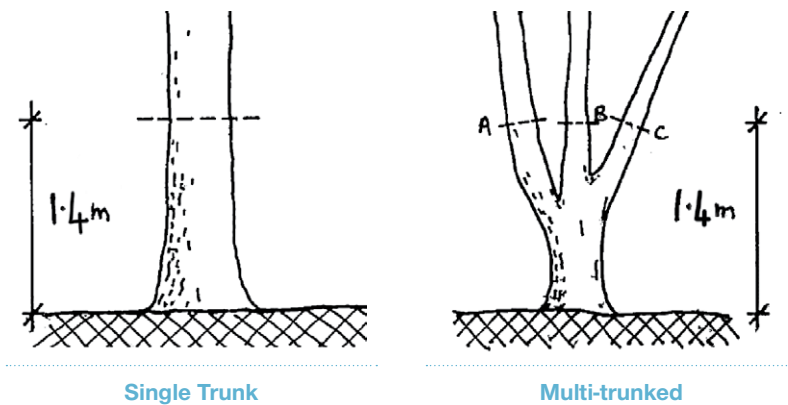
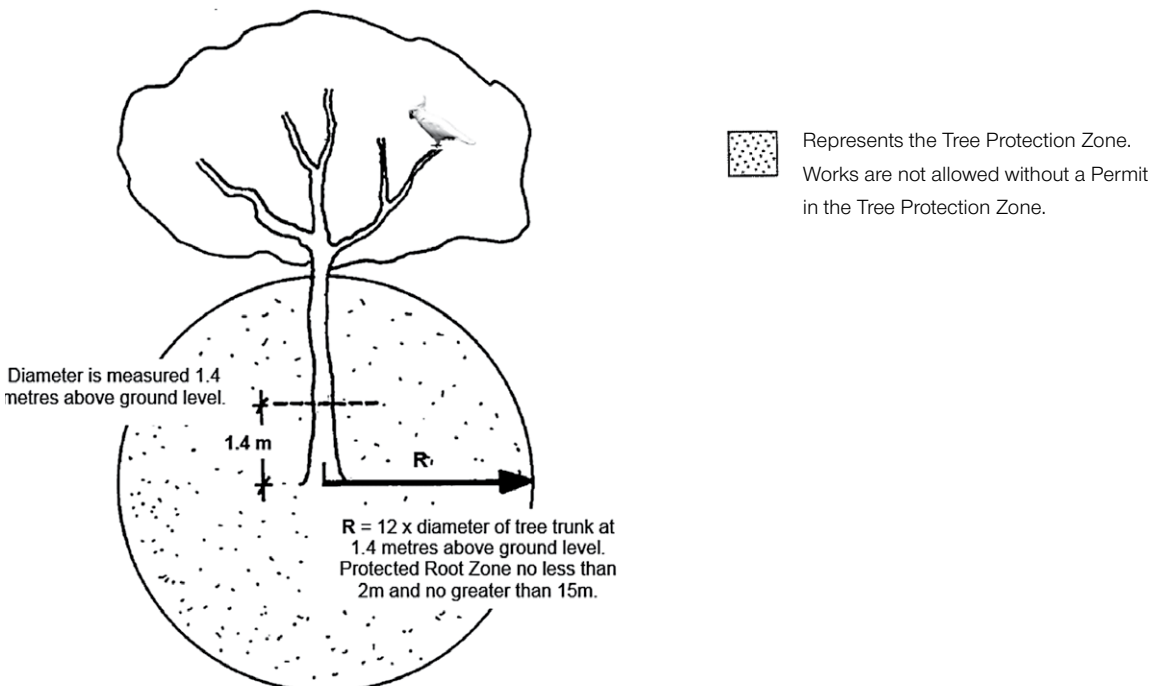


Figure 3: Diagram illustrating how to determine the **Tree Protection Zone**.



GENERAL LOCAL LAW 2018

Part 15 – Animals and Birds

164. Application of Part

This Part does not apply to land:

- (a) on which a pet shop is located; or
 - (b) on which an animal hospital or veterinary practice is located,
- if the use of the land for this purpose is permitted under the Planning Scheme applicable to that land.

165. Conditions Under Which Animals May be Kept

- (1) The owner and occupier of land must not, without a Permit, keep or allow to be kept on that land at any time no more in number for each type of Animal than is set out in Table 3.
- (2) Sub-clause (1) does not apply where a Planning Permit has been obtained for the use of land for the purposes of Animal boarding or breeding.
- (3) A Permit may be granted for the keeping of any Animals not listed in Table 3 of sub-clause (1):
 - (a) if the Animals are to be part of a display for education, cultural or historical purposes; or
 - (b) if the Animal is not prohibited and in accordance with the requirements and criteria in the **Keeping of Animals Policy**.

166. Keeping of Animals Policy

- (1) **The Keeping of Animals Policy** is incorporated into this Local Law.
- (2) A person who contravenes or fails to comply with a requirement for the keeping of Animals in the **Keeping of Animals Policy** imposed on that person is guilty of an offence.
- (3) The owner and occupier of land must not keep or allow to be kept on that land at any time an Animal specified in the **Keeping of Animals Policy**.
- (4) A person who fails to comply with a condition of a Permit is guilty of an offence.

167. Animal Noises

- (1) The owner and occupier of land where any Animal is kept must ensure that the keeping of the Animal does not create a nuisance.
- (2) An Animal creates a nuisance for the purpose of sub-clause (1) if it creates a noise by any means and unreasonably interferes with the peace, comfort or convenience of any person.

Table 3

	Houses	Units, townhouses, flats and apartments
Cats	2	2
Cats under 3 months	12	2
Dogs	2	1
Dogs under 3 months	12	1
Domestic birds (budgie/canary or similar)	5	2
Domestic mice	6	3
Rabbits or guinea pigs	10	2
Cold water and tropical fish	unlimited	unlimited

168. Animal Excrement

- (1) A person in charge of any Animal in a Public Place must immediately remove that Animal's excrement and dispose of it as litter in a lawful manner.
- (2) A person in charge of any Animal in a Public Place must carry a Litter Device suitable to clean up and remove any excrement left by their Animal and must produce that Litter Device upon request of an Authorised Officer.
- (3) A person who fails to produce a Litter Device when requested to do so is guilty of an offence.

169. Wasp Nest(s) and Bee Swarm(s) to be Removed

The owner and occupier of land must, upon becoming aware of the existence of a wasp nest or bee swarm on the land or at the direction of an Authorised Officer:

- (a) take steps to cause the wasp nest or bee swarm to be removed; and
- (b) arrange for the removal to be undertaken by an appropriate contractor.

170. Pest Animals

- (1) A person must not keep, store or allow to be kept or stored on land any prepared food for consumption by an Animal unless the food is stored in a manner secure from all vermin, feral and stray Animals.
- (2) A person must not, without a Permit, feed or encourage the presence of feral Animals, stray Animals or foxes nor allow any such Animals access to prepared food stored or issued to Animals.

171. Fencing of Dogs

The owner and occupier of land on which a dog is kept must ensure that all boundary fencing is adequate to keep the dog wholly within the boundaries of the land.

172. Feeding of Animals and Birds

- (1) A person must not feed or leave food for an Animal or bird in a Public Place.
- (2) Nothing in sub-clause (1) applies to any person feeding or leaving food for an Animal that is registered under the **Domestic Animals Act 1994** and under the effective control of that person.

GENERAL LOCAL LAW 2018

Part 16 – Sanitation

173. Supply and Use of Waste Receptacles

- (1) The owner and occupier of land must:
 - (a) ensure that an appropriate receptacle for the collection of waste is available on the land for the collection and containment of waste;
 - (b) deposit or cause to be deposited in an appropriate receptacle only waste generated from the land;
 - (c) maintain all waste receptacles and any area of the land in which waste receptacles are located in a clean and sanitary condition; and
 - (d) not deposit commercial or residential waste in Council street bins.
- (2) The owner or owners corporation of commercial and residential land on which there is more than one premises or dwelling must:
 - (a) construct on the land an area for storing waste receptacles;
 - (b) ensure that the area constructed is screened from view and maintained in a clean and sanitary condition; and
 - (c) ensure that the area is used to store waste receptacles.
- (3) A person must not remove an Approved Receptacle from the land to which it has been assigned.
- (4) A person must not damage or destroy an Approved Receptacle.

174. Domestic and Recycling Waste Collection

- (1) The owner and occupier of land to which Council provides a domestic waste collection service or a domestic recycling collection service must only use an Approved Receptacle.
- (2) The owner and occupier of land to which Council provides a domestic waste collection service or a domestic recycling collection service must:
 - (a) ensure the Approved Receptacle and contents does not exceed 60 kg;
 - (aa) only deposit general waste in the Approved Receptacle for general waste and only deposit recyclable materials in the Approved Receptacle for recycling materials;
 - (b) not place in an Approved Receptacle commercial or industrial waste or use an Approved Receptacle for any other purpose other than for the collection and containment of domestic waste or domestic recycling;
 - (c) place an Approved Receptacle for collection at the front of the land adjacent to the kerb;
 - (d) ensure that the lid is secure and that waste cannot spill onto the ground;

- (e) ensure that if waste has spilled onto the ground that the waste is collected and deposited back into the Approved Receptacle;
 - (f) ensure that the Approved Receptacle is returned to the land on the day of collection; and
 - (g) comply with the additional requirements specified in the **Procedures and Protocol Manual**.
- (3) If Council has given notice of a collection of Hard Waste, the owner or occupier of land may place or allow to be placed at the front of the land in a neat, tidy, safe and orderly manner Hard Waste for collection by Council.
 - (4) Hard Waste placed out for collection becomes the property of Council or such person as Council may specify.
 - (5) A person must not deposit or allow to be deposited any Hard Waste contrary to the notice given pursuant to sub-clause (3).
 - (6) A person must not interfere with or remove any Hard Waste unless:
 - (a) it is a person who has a Permit to do so;
 - (b) it is Council;
 - (c) the person is authorised by Council; or
 - (d) it is the person who deposited the Hard Waste.

175. Trade Waste Bins and Hoppers

- (1) The owner and occupier of land on which a waste receptacle used for the collection and storage of commercial or industrial waste must:
 - (a) construct on the land an area to store the waste receptacle that is supplied with reticulated water so that the waste receptacle can be adequately cleaned;
 - (b) ensure that the area constructed is screened from view, maintained in a clean and sanitary condition and fenced in such a manner to deny access to the public;
 - (c) ensure the waste receptacle is available for collection on the day of collection and returned to the land after collection;
 - (d) ensure when the waste receptacle is on a Road or Council Land for collection:
 - (i) the lid is closed and waste is not able to spill onto the ground;
 - (ii) the waste receptacle is not in an unclean and offensive condition; and
 - (iii) any waste that has spilled onto the ground that the waste is collected and deposited back into the waste receptacle; and
 - (e) comply with the additional requirements specified in the **Procedures and Protocol Manual**.

- (2) A person collecting and removing any commercial or industrial waste must not:
- (a) collect and remove the waste other than between the hours of 7am and 10pm on Monday to Saturday (inclusive) and between the hours of 9am and 10pm (inclusive) on Sunday and a public holiday; and
 - (b) use a vehicle from which liquid waste water is able to leak onto the Road.
- (3) For the purpose of sub-clause (2) above, the person collecting and removing commercial or industrial waste in contravention of sub-clause (2) includes the driver of the vehicle and the employer of the driver of the vehicle.

176. Council Waste Acceptance Facilities

- (1) A person must not, without a Permit, deposit any waste in or at, or enter any Council Waste Depot unless:
- (a) the fee, if any, has been paid;
 - (b) the waste is deposited where directed by Council notice, an Authorised Officer or a member of Council staff acting in the course of that member's duties;
 - (c) the waste is waste approved by Council for deposit; and
 - (d) during the hours the Council Waste Depot is open to the public.
- (2) A person must not, without a Permit, remove from a Council Waste Depot any waste or material of any kind that has been deposited or left there.
- (3) A person must, while in any Council Waste Depot, obey:
- (a) a lawful order or direction of any Authorised Officer or member of Council staff acting in the course of that member's duties; and
 - (b) any sign authorised by Council.

177. Directive Powers

- (1) An Authorised Officer may direct and require a person who deposits waste or places a waste receptacle or allows it to remain in place contrary to:
- (a) this Local Law; or
 - (b) a Permit,
- to immediately remove the waste or waste receptacle (as the case may be).

GENERAL LOCAL LAW 2018

Part 17 – Permits

178. Application for a Permit

- (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 prescribe the form for an application for a Permit and specify the requirements for an application for a Permit and the matters to be considered or to be applied in the grant of a Permit in the **Procedure and Protocol Manual**.
- (3) Council may require a person making an application for a Permit to give public notice that will entitle any person to make a submission and to be heard.
- (4) 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.
- (5) Council may grant a Permit with or without conditions or refuse to grant a Permit.

179. Consideration of Applications

- (1) In considering an application for a Permit, Council must consider as appropriate:
 - (a) any policy or guideline relating to the subject matter of the application for the Permit;
 - (b) any written objection or written submission received in respect of the application;
 - (c) any written comment made in respect of the application by any Public Body or community organisation;
 - (d) any matters specified in the **Procedure and Protocol Manual**; and
 - (e) any other relevant matter.
- (2) Where the applicant is not the owner of the land that is the subject of the application, the consent of the owner of the land to the application must be provided to Council with the application.

180. Permits May be Conditional

- (1) A Permit may be issued with or without conditions including, but not limited to, conditions relating to:
 - (a) the payment of a fee, charge, fare or rent;
 - (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 issue of the permit subject to the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance;
 - (f) a condition that a specified thing is to be done or not to be done to the satisfaction of Council or an Authorised Officer;
 - (g) the amendment or cancellation of a specified Permit prior the Permit coming into effect;
 - (h) a Permit for a use for a specified time:
 - (i) that any use or development carried out on the land under the Permit is to cease or be removed (as the case may be) at the end of the specified time; and
 - (ii) that the land is to be restored to a specified state at the end of the specified time;
 - (iii) the consent of the owner of land where the applicant is not the owner of that land;
 - (i) the granting of some other Permit that may be required by Council whether under this Local Law or otherwise; and
 - (j) any other matter as considered appropriate.
- (2) Council may by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing for the application, consideration, grant, renewal, suspension or cancellation of a Permit.
- (3) Council may prescribe, regulate or determine the manner in which an application may be made for a Permit and the conditions on which a Permit may be granted, any service performed or supplied or the supply of any goods or information.

181. Power to Amend Conditions

- (1) Council may, during the currency of a Permit, amend the conditions of a Permit if it considers it appropriate to do so.
- (2) In considering whether it is appropriate to amend the conditions on the Permit, Council must have regard to:
 - (a) the purposes for which the conditions were imposed;
 - (b) whether those purposes are adequately achieved by the current conditions;
 - (c) the impact of the proposed amendment on the Permit holder and any relevant third parties; and
 - (d) any other relevant matter.

If Council proposes to amend the conditions on a Permit, it must:

- (a) provide the permit holder an opportunity to make submissions on whether the amendment should be made; and
- (b) take into account those submissions in deciding whether to amend the permit.

182. Security Bonds

- (1) In deciding to grant a Permit, Council may require the applicant to lodge with Council a security bond, bank guarantee or similar surety in an amount and in a manner as Council considers reasonable in the circumstances.
- (2) Council may use a security bond, bank guarantee or other surety to remedy a breach of that Permit, Local Law or repair any damage caused by any works under a Permit.
- (3) Upon the completion of any required remediation works, Council must release any remaining security bond, bank guarantee or other surety.

183. Register of Permits

Council must keep a register of Permits.

184. Duration of Permits

Except where expressly stated in the Permit, the Permit operates from the date it is issued and expires one year after the date of issue or earlier if expressly provided in the Permit or if determined by Council.

185. Correction of Permits

- (1) 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.
- (2) Council must note the correction in the register of Permits.

186. Cancellation, Suspension or Amendment of Permits

- (1) Council may cancel, suspend or amend any Permit at any time if:
 - (a) it is requested to do so by the Permit holder; or
 - (b) Council considers that there has been:
 - (i) a material mis-statement or concealment of fact in relation to the application for the Permit;
 - (ii) any material mistake in relation to the issue of the Permit; or
 - (iii) any material change of circumstances that has occurred since the granting of the Permit;
 - (c) Council believes that the continuance of the activity permitted by the Permit may result in a hazard, danger or inconvenience to any other person or property or be otherwise detrimental to the amenity of the area;
 - (d) Council is satisfied that there has been a substantial failure to comply with a Permit condition or Notice to Comply relating to the Permit; or
 - (e) the Permit holder defaults in any payment of a fee, charge, security bond, bank guarantee or similar surety required by the Permit.
- (2) Council must note any cancellation, suspension or amendment of a Permit in the register of Permits.
- (3) Prior to cancelling, suspending or amending a Permit, Council must:
 - (a) provide the Permit holder an opportunity to make a submission on whether the Permit should be cancelled, suspended or amended; and
 - (b) take into account the submission in deciding whether to amend the Permit.

187. Transferability of Permits

Unless otherwise stated in the Permit, a Permit is:

- (a) personal and authorises only the person named in the Permit to carry out the activity authorised; and
- (b) not transferable without the consent of Council.

188. Permit Issue and Refusal

- (1) Wherever in this Local Law power is given to Council to issue, refuse to issue, suspend or cancel a Permit, such power may be exercised by an Authorised Officer.
- (2) The power conferred in sub-clause (1) does not apply where:
 - (a) a written objection is received to the issuing of a Permit, in which case the application and objections must be referred to an Authorised Officer nominated by the Chief Executive Officer, Director or Council for consideration and determination; or
 - (b) where Council has issued or refused a Permit.

189. Exemptions

- (1) Council may exempt any person or class of persons from the requirement to obtain a Permit, either generally or at specified times.
- (2) Any person or class of persons specified in the **Procedure and Protocols Manual** may be exempt from the requirement to obtain a Permit.

190. Information

- (1) A person must not obtain or attempt to obtain a Permit by knowingly making or causing to be made any false representation whether orally or in writing.
- (2) Any person must, when requested to do so, produce a Permit to:
 - (a) an Authorised Officer; and
 - (b) a member of Victoria Police or a member of the fire brigade.

GENERAL LOCAL LAW 2018

Part 18 – Fees, Charges and Costs

191. Setting Fees and Charges

Council may, from time to time and by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, goods, service or other act, matter or thing or the application, consideration, grant, renewal, suspension or cancellation of a Permit.

192. Differential or Structured Fees and Charges

In determining any fee, charge, fare or rent, Council may establish a system or structure of fees, charges, fares or rents including a minimum or maximum, specific fees, scales of fees according to the value of goods or services provided or project being assessed, if it considers it is appropriate to do so.

193. Waiver or Alteration to Fees and Charges

The Council may waive, reduce, alter or refund in whole or in part any fee, charge, fare or rent with or without conditions.

GENERAL LOCAL LAW 2018

Part 19 – Infringement Notices

194. Purpose

The purpose of this Part is to provide for the issue of infringement notices for contraventions of this Local Law.

195. Infringement Notice

- (1) An Authorised Officer may serve, or cause to be served, an infringement notice to a person who the Authorised Officer reasonably believes has contravened or failed to comply with this Local Law.
- (2) An infringement notice may only be served to a person for a contravention of this Local Law if the offence is listed in the schedule to the **Procedure and Protocol Manual**.
- (3) The infringement notice must specify the penalty (shown as Penalty Units) specified for that offence in the schedule to the **Procedure and Protocol Manual**.

GENERAL LOCAL LAW 2018

Part 20 – Enforcement, Offences and Prosecutions

196. Recovery of Costs

In addition to any penalty under the Act or this Local Law, any expense, damage or loss incurred by Council in consequence of a breach of this Local Law or in the prosecution of a breach of this Local Law must be paid by the person committing such a breach.

197. Offences

A person is guilty of an offence if the person:

- (a) does something that a provision of this Local Law prohibits to be done or makes an offence;
- (b) fails to do something that a provision of this Local Law requires to be done;
- (c) allows any act to occur by consent, neglect, omission or direction that is a contravention of this Local Law;
- (d) engages in activity without a current Permit where a provision of this Local Law requires that person to obtain a Permit before engaging in that activity;
- (e) breaches or fails to comply with a condition of a Permit issued under this Local Law;
- (f) is the driver of a Motor Vehicle that is parked or left standing on Council Land as well as the registered owner of the Motor Vehicle (unless the owner of the Motor Vehicle complies with the operator onus provisions of Part 6AA of the **Road Safety Act 1986**).

198. General Penalties

- (1) A person who is guilty of an offence against this Local law for which a specific penalty is not provided is liable to a penalty not exceeding 20 Penalty Units.
- (2) In the case of a continuing offence a person is liable to a penalty not exceeding two (2) Penalty Units for each day after conviction for an offence during which the contravention continues.

199. Power to Impound

- (1) An Authorised Officer may seize and impound a Motor Vehicle, Vehicle, sign, Goods or any other item where there has been a contravention of this Local Law.
- (2) As soon as practicable after impounding any Motor Vehicle, Vehicle, sign, Goods or any other item an Authorised Officer must, if the name and address of its owner is known, serve a notice of impoundment on the owner.
- (3) Council may determine, from time to time, a fee that must be paid by the owner of any impounded Motor Vehicle, Vehicle, sign, Goods or any other item before Council is required to release the Motor Vehicle, Vehicle, sign, Goods or any other item. Any impounded Vehicle, sign or Goods may be claimed by its owner after the payment of the relevant fees.
- (4) Any impounded Motor Vehicle, Vehicle, sign, Goods or any other item not claimed within the time specified on the notice of impoundment or within seven (7) days of the impounding may be disposed of by Council by tender or public auction, transferred to the Council Waste Depot or given away.

200. Impersonating Council Staff

- (1) A person who is not a member of Council staff must not, in any way, hold themselves out to be a member of Council staff.
- (2) A person who is not a member of Council staff must not produce a document that contains the Council logo or Council name, unless authorised by Council.
- (3) A person who is not a member of Council staff must not use a document that contains the Council logo or Council name, unless authorised by Council.

GENERAL LOCAL LAW 2018

Schedule 5

SCHEDULE 5

PROCEDURAL MOTIONS TABLE

Procedural motion	Form	Mover and seconder
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion

When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of Council has been made for that meeting in accordance with section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the Agenda	Debate continues unaffected	Yes
During nominations for Chair	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

A low-angle photograph of the Stonnington City Centre clock tower, showing its ornate classical architecture with columns and a large clock face. The image is partially obscured by a blue diagonal overlay in the bottom-left corner.

Stonnington City Centre

311 Glenferrie Road, Malvern

Depot

293 Tooronga Road, Malvern

Open

Monday to Friday, 8.30am to 5pm

T 8290 1333 F 9521 2255

PO Box 58, Malvern Victoria 3144

council@stonnington.vic.gov.au

STONNINGTON.VIC.GOV.AU