

REVIEW OF COMMUNITY AMENITY LOCAL LAW NO 3 and PROCEDURES AND PROTOCOLS MANUAL – SUMMARY OF CHANGES

CLAUSE	CURRENT VERSION	PROBLEM AND SOLUTION
<p>6 – DEFINITIONS</p>	<p>“significant tree” Means:</p> <p>a) a tree on private land with a trunk circumference greater than 1.5 metres when measured 1 metre from its base; or</p> <p>b) a multi-stemmed tree on private land where the circumference of its exterior stems equals or is greater than 1.5 metres when measured 1 metre from its base.</p> <p>Access to the road requiring a permit under the Road Management Act is not adequately covered, as advised by Maddocks.</p>	<p>No simple definition if the tree has already been illegally removed – the solution will be to add a section stating that if the tree has been removed, assume that the circumference at 1m is the same as at the base.</p> <p>The multi-stemmed definition includes a large number of trees, and this can be narrowed by adding that they must be at least 3m in height.</p> <p>Insert Clause 6B – approval under the Road Management Act 2004 is evidenced by way of a permit under the Local Law</p>
<p>7 – Activities requiring a permit</p>	<p>7. Activities and uses requiring a permit</p> <p>(1) A permit must be obtained from the Council before a person carries out the following uses or activities:</p> <p>(a)</p> <p>(m) NOT USED</p>	<p>Currently states that clause m is not used – however this should include works on lands requiring an asset protection permit – clause 20</p>

**7 – Activities
requiring a
permit
- new activity**

.....

Penalty: \$500 (Unless provided otherwise)

It is not an offence currently to use sporting grounds, without authorization (specifically for organized sporting groups, not individuals).

Sporting grounds of concern are:

- Wattie Watson Oval, Elwood Park
- Esplanade Oval/Cricket Ground 2, Elwood Park
- Head Street Grounds A & B, Elwood Park
- Peanut Farm Oval, Peanut Farm Reserve
- Alma Park Oval, Alma Park
- Lagoon Oval, Lagoon Reserve
- Anderson Oval 1, J. L. Murphy Reserve
- Anderson Oval 2, J. L. Murphy Reserve
- G. S. Williams Oval, J. L. Murphy Reserve
- A. T. Aanensen Oval, J. L. Murphy Reserve
- J. M. Woodruff Oval, J. L. Murphy Reserve
- North Port Oval, Port Melbourne Oval

Due to extended drought conditions the use of sporting grounds by unauthorised groups should be an offence, to preserve the grounds for those that are authorised. This is added at clause 38A.

Penalty \$1000.

8 - advertising

8. Advertising Signs

- (1) A permit is required to place an advertising sign on:
 - (a) a road, road related area or Council land; or
 - (b) an area designated by the Council; or
 - (c) any other location likely to interfere with the vision of a pedestrian or driver.
- (2) In addition to the requirement to obtain a permit to place an advertising sign on the locations specified in sub-clause (1) a person must comply with any requirements in the *Procedures and Protocols Manual*.
- (3) Where an advertising sign is proposed to be placed on land or fixtures that is not Council land, the permission of the owner must be obtained and evidence of that permission must be produced to an authorised officer when requested to do so.
- (4) The requirement to obtain a permit under this Local Law for an advertising sign applies where a permit is not required under the *Footpath Activities Local Law No 7*.
- (5) If an advertising sign is placed in breach of this clause 8:
 - (a) the person who is the owner of the premises, property, business, event of activity to which the advertising sign relates;
 - (b) the person who has the management and control of premises, property, business, event or activity to which the advertising sign relates;
 - (c) the person who is a promoter of the premises, property, business, event or activity to which the advertising sign relates;
 - (d) the person who printed the advertising sign or whose name is on the advertising sign as the printer;
 - (e) the person who commissioned the printing of the advertising sign; and
 - (f) 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; andare each guilty of an offence against this Local Law whether or not the person who placed the advertising sign is identified or prosecuted.

Penalty: \$2000

This section is amended as a consequence of the matter *Payne v City of Port Phillip* at the Supreme Court of Victoria before Justice Mandie in December 2007.

<p>11 – occupation of the road</p>	<p>11. Occupation of the Road for Works</p> <p>(1) A permit is required to occupy the road for works that involve:</p> <ul style="list-style-type: none"> (a) fencing off part of a road; (b) erecting a hoarding, scaffolding or overhead protective awning; (c) using a mobile crane or travel tower for any building work; (d) making a hole or excavation; (e) reinstating a hole or excavation; and (f) leaving or storing any building, paving or other construction materials. <p>(2) The requirement to obtain a permit does not apply to the works of service authorities in an emergency or urgent circumstances.</p> <p>(3) In addition to the requirements to obtain a permit to occupy the road for works a person must comply with the requirements in the <i>Procedures and Protocols Manual</i>.</p>	<p>There is currently no method to deal with occupation of the road, generally, not just for works. This section should be broadened to be occupation of the road.</p>
<p>13 – filming</p>	<p>13. Filming</p> <p>(1) A permit is required for filming on a road or Council land where the film is for commercial purposes or public exhibition.</p> <p>(2) In addition to the requirement to obtain a permit to film on roads or Council land a person must comply with the requirements in the <i>Procedures and Protocols Manual</i>. Penalty: \$1000</p>	<p>The current penalty works out cheaper than the rates charged by CoPP. This does not encourage compliance. Penalty should be adjusted accordingly to \$2000.</p>

<p>16 – parking during grand Prix</p>		<p>On advice from Maddocks, Clause16(3) is included (moved from Procedures and protocols manual into the local law).</p>
<p>19 – Keeping excess animals</p>	<p>19. <i>Keeping excess numbers of animals</i> (1) A permit is required where:</p> <ul style="list-style-type: none"> (a) more than two dogs or more than two cats are to be kept on any residential, commercial or industrial property at any one time; or (b) more than one dog or more than one cat is to be kept in a flat or a unit at any one time; and (c) despite sub-clauses (a) and (b) more than four animals are to be kept on any property. <p>(2) Animals must be kept and housed in a way which:</p> <ul style="list-style-type: none"> (a) is adequate and appropriate for the type and numbers of animals being kept; and (b) is not offensive; and (c) protects adjoining properties from animal noise; <p>and</p> <ul style="list-style-type: none"> (d) does not adversely impact on the amenity of the area. 	<p>The current clause 19(1)c – is badly worded, and should read ... despite sub-clauses (a) and (b) no more than four animals are to be kept on any property...</p> <p>19(3) included – to prevent keeping of roosters.</p>
<p>24 – Managing amenity on building sites</p>	<p>(5) A builder must not carry out building works on a building site unless the works are only carried out between the hours of: (a) 7.00am to 6.00pm Monday to Friday; (b) 9.00am to 3.00pm Saturday.</p> <p>(6) Except in the case of an emergency a builder must not carry out building works outside the times specified in sub-clause (5) without first obtaining a permit.</p> <p>Penalty: \$2000</p> <p>(7) In determining whether to grant a permit under sub-clause (6), the</p>	<p>The current local law has failed to prohibit work on a building site, which causes major enforcement issues every time a public holiday occurs. It is the intent to prohibit works on a public holiday and the wording needs to be amended accordingly.</p>

<p>24 – Managing amenity on building sites -additional sub section</p>	<p>Council: (a) must not grant a permit for a builder to carry out building work on a day that is an appointed public holiday under the Public Holidays Act 1993; (b) must take into consideration the matters specified in the <i>Procedures and Protocols Manual</i>.</p> <p>There have been a number of cases where, as a result of building works, private property, usually fencing, has been damaged as a result of the builders not taking appropriate care to ensure private assets are not damaged. This has led to much frustration by the private occupier, who has damaged property and has to wait until the completion of works before their property gets fixed – and this may be 12-18 months away.</p>	<p>The solution is to add a subsection, requiring that:</p> <p>builder must take appropriate care with deliveries etc so as to not cause any damage to any properties adjacent to or affect by the building site. (This is included in the proposed amendment at 24(5A).</p> <p>Penalty \$2000</p>
<p>25 – protection of Council Assets</p>	<p>There have been a number of cases over the last few years where council assets, being lanes, have been extensively damaged as a result of being used to access building sites. The damage can occur over a period of years, as a result of more then one builder accessing sites via the lane. Many lanes are very narrow and it appears too little thought is given to lane access by the builders, resulting in damage to Council and private property.</p>	<p>Add section relating to accessing building sites must only be done via the main street frontage, unless Council approval has been sought – requires a permit from Council prior to commencement of works to access the site via a lane – which can stipulate length of vehicles, width of vehicles that can be used. (included in Clause 25(1A)</p>
<p>25 – protection of Council Assets</p>	<p>(1) In addition to the notification required under clause 24 a builder must at least 48 hours before building work commences or the delivery of any equipment or materials to the land provide a report to the Council of the existing condition of Council assets which is: (a) adjacent to the land to which the building permit relates; or</p>	

- (b) likely to be affected by the building works authorised by the building permit.

Penalty: \$2,000

- (2) For the purposes of determining whether any damage to the Council's assets has occurred as a result of building work, failure to provide the notice required under sub-clause (1) will give rise to an assumption that there was no existing damage to those assets prior to the building work taking place.
- (3) The Council must as soon as is reasonably practical after receiving notice that an occupancy permit or a final certificate in relation to alterations to an existing building has been issued ensure that an inspection of the Council assets is carried out.
- (4) The builder must repair to the satisfaction of the Council any damaged road (including carriageway), channel, drain, vehicle crossing or other assets vested in the Council adjacent to the land where the building work takes place or which is likely to be affected by the building work for which an Asset Protection Permit has been obtained.

Penalty: \$2,000

- (5) If the Council considers that building work has caused damage to Council assets it may repair the damage itself and deduct the cost of repairs from any security bond that has been paid in accordance with clause 20(7).
- (6) If the amount of the security bond is insufficient to cover the costs of repairs or if a security bond was not required to be paid, the Council may give a notice under section 225 of the Act and recover the costs of repairs in accordance with that section.
- (7) Subject to clause 20(7), any money from the security bond

26 – Industrial, Trade and Commercial waste		that has not been used in covering the costs of repairs must be refunded to the builder.
	<p>(1) A person collecting industrial, trade or commercial waste including the collection of recyclable materials may only do so between the hours:</p> <ul style="list-style-type: none"> (a) 6.30am to 8.00pm on Mondays to Saturdays; (b) 9.00am to 8.00pm on Sundays and Public Holidays. 	<p>The current times are not in line with the EPA guidelines, and this often causes confusion for the public.</p> <p>Times should just refer to EPA guidelines, which would make interpretation a lot simpler.</p>
	<p>(2) A person may collect industrial, trade or commercial waste or recyclable materials outside the hours specified in sub- clause (1) provided that the amenity of the area is not disturbed by unreasonable noise.</p>	
	<p>(3) The amenity of the area will be considered to be disturbed by unreasonable noise where it can be heard in a habitable room in residential premises regardless of whether any door or window giving access to that room is open.</p>	
	<p>(4) A person using an industrial, trade or commercial waste bin must comply with the requirements in the <i>Procedures and Protocols Manual</i>.</p>	
27 – additional requirements	<p>(1) To control and prevent:</p> <ul style="list-style-type: none"> (a) any adverse impact on the amenity of the adjoining areas arising from: <ul style="list-style-type: none"> (i) nuisances, in particular nuisances caused or constituted by the storage and disposal of waste and recyclable materials; or (ii) noise and emissions; and (b) any damage or danger to the environment – 	<p>There is no definition of what constitutes unreasonable noise.</p> <p>Add part (3) from clause 26 – determining whether noise unreasonable: The amenity of the area will be considered to be disturbed</p>

<p>29 – domestic waste and recyclable materials</p>	<p><i>as a result of the use or operation of commercial premises, an owner or occupier of commercial premises must comply with the requirements in the Procedures and Protocols Manual. Penalty: \$2000</i></p>	<p>by unreasonable noise where it can be heard in a habitable room in residential premises regardless of whether any door or window giving access to that room is open.</p>
<p>34 – vehicle crossings</p>	<p>34. Vehicle crossings</p> <p>(1) A person must not, without a permit, construct a temporary or permanent vehicle crossing.</p> <p>Penalty: \$1000</p> <p>(2) The council or an authorized officer may require -</p> <p>(a) the construction of a temporary or permanent vehicle crossing; or</p> <p>(b) the repair or reconstruction of a vehicle crossing – by the owner or occupier of any adjacent allotment.</p> <p>(3) The owner or occupier of any allotment required to construct a vehicle crossing by the Council or an authorized officer under this clause must comply with the requirement.</p> <p>Penalty: \$1000</p> <p>(4) Any work in respect of a vehicle crossing must be performed to the satisfaction of the Council or an authorized officer.</p> <p>Penalty: \$1000</p> <p>(5) The Council or an authorized officer may be notice in writing require -</p> <p>(a) the removal of any vehicle crossing and the</p>	<p>Recommendation to move section of procedures and protocols Manual into the Local Law from Maddocks</p> <p>Although there is a requirement to construct a vehicle crossing, it is not explicitly stated that it is an offence to fail access a property without a vehicle crossing. The only enforcement currently can occur if Council assets are damaged in the process.</p> <p>Add – must not access land in a vehicle without using either a permanent, or an approved temporary vehicle crossing.</p> <p>Subsection (5) has an error – it should read:</p> <p><i>The Council or an authorized officer may by notice in writing require...</i></p>

37 – parking of vehicles

- reinstatement of any kerb, drain, footpath, nature strip or other part of a road; or
- (b) the repair of any vehicle crossing – if, in the opinion of the Council or an authorized officer the vehicle crossing –
- (c) is redundant, or
- (d) has been constructed in breach of any provision of this clause or a permit; or
- (e) has not been properly maintained; or
- (f) *is in a state of disrepair.*

37. Parking of vehicles

- (1) A person must not leave a vehicle standing in a parking area (whether unattended or not) on any day and during the hours fixed in relation to that parking area:
 - (a) contrary to any conditions associated with the parking area;
 - (b) at an expired parking meter or without having paid the fee for the meter;
 - (c) for a period longer than that fixed for the vehicle or the parking area concerned;
 - (d) without displaying a valid ticket on the vehicle for the parking area;
 - (e) not within the space delineated for the vehicle; or
 - (f) contrary to any conditions attached to a ticket issued for a ticket parking area.
- (2) A person who has a resident parking permit issued in accordance with the Procedures and Protocols Manual must:
 - (a) comply with any conditions of the permit;
 - (b) comply with any requirements of the Council's Parking Permit Policy;
 - (c) not park a vehicle or leave a vehicle standing in any public place for more than 28 consecutive days;
 - (d) must not assign, transfer or encumber his or her permit; and
 - (e) must ensure that:
 - (i) the permit is fixed to the lower interior of the

Maddocks have advised that owner-onus applies. They have recommended moving a section of the Procedures manual into the Local Law.

<p>38 – significant trees</p>	<p>passenger side corner of the front windscreen of the relevant vehicle or in any other manner specified in the permit; and</p> <p>(ii) all printed information on the permit is capable of being read by any person standing beside the vehicle. Penalty: \$200</p> <p>(3) A person must not park a vehicle or leave a vehicle standing on any Council land that is a reserve or the foreshore. This sub-clause (3) does not apply to an authorised officer or a person acting on behalf of the Council, whether a member of staff or otherwise, in the course of carrying out his or her authorised activities. Penalty: \$200</p> <p>(1) A permit is required to remove a significant tree or to cut, trim, prune or take any other action which may result in the health of the significant tree being endangered. Penalty: \$1000</p>	<p>The current infringement for this is \$500. It would be proposed that the penalty be increased to be more in line with the seriousness of the offence.</p> <p>Penalty \$2000 (an infringement would be \$1000).</p>
<p>45 – Consumption of Alcohol</p>		<p>On advice from Maddocks, moving the Procedures and Protocols section re: designated area into the actual Local Law. Including a new clause to ban alcohol consumption in public within the entire municipality on New Years Eve (between 12.01am and midnight, and on New Years Day until 7am.</p>
<p>48A – incinerators, fires and open air burning</p>	<p>48A Incinerators, fires and open air burning</p> <p>(1) A person must not light or allow any fire to be lit in the open air or in an incinerator on any land. Penalty: \$1000</p> <p>(2) Subject to the requirements of any other legislation, the</p>	<p>Although this is not a major issue, there are some people who continue to breach the intent of this clause by arguing that they are cooking.</p> <p>Add a section that states that if the fire is for cooking, it</p>

	<p>prohibition in sub-clause (1) does not apply to a person who:</p> <p>(a) uses a barbecue for the purposes of cooking food; or</p> <p>(b) has obtained a permit under this Local Law for a special event and the permit authorises a fire in the open air or in a container designed for the purpose.</p>	<p>must be in a vessel that is normally designed for that purpose (ie you don't cook using an open fire place or a chiminea).</p>
<p>51 – shopping trolleys</p>	<p>51. Shopping Trolleys</p> <p>(1) The proprietor of any premises which provides shopping trolleys must ensure that a shopping trolley is not left on any road or Council land unless the Council has provided land or set aside areas for that purpose.</p> <p>(2) Where a shopping trolley has been left on a road or Council land, an authorised officer may impound the shopping trolley provided the officer has had regard to the <i>Procedures and Protocols Manual</i>. Penalty: \$200</p>	<p>Shopping trolleys continue to be an unsightly nuisance. An obvious way to encourage speedier collection by the supermarket chains is to increase the penalty.</p> <p>Increase penalty to \$400 (infringement \$200).</p>
<p>55 – issue of permits</p>	<p>55. Issue of permits</p> <p>The Council may:</p> <p>(a) issue a permit that is in the form specified in the <i>Procedures and Protocols Manual</i>, with or without conditions; or</p> <p>(b) refuse to issue a permit.</p>	<p>None of the permits currently issued by Council are in the form stated in the Procedures Manual.</p> <p>Changed wording to accommodate this.</p>
<p>57 – conditional permits</p>	<p>57. Conditional permits</p> <p>(a) A permit may be subject to conditions which the Council considers to be appropriate in the circumstances including:</p>	<p>Permits should be subject to conditions, but not necessarily limited to these mentioned.</p> <p>Reword:</p>

<p>67 – power of authorised officers to act in urgent circumstances</p>	<ul style="list-style-type: none"> (i) the payment of a fee or charge; and (ii) the payment of a security deposit, bond or guarantee to the Council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit; and (iii) a time limit to be applied specifying the duration, commencement or completion date; and (iv) that the applicant be insured against the risk and to provide a written indemnification of the Council against liability arising from the activity or use; and (v) the rectification, remedying or restoration of a situation or circumstance; and (vi) where the applicant is not the owner of the subject property, the consent of the owner; and (vii) the granting of some other permit or authorisation. <p>(b) The conditions of a permit must be set out in the permit.</p>	<p><i>Advise from Maddocks that section of the Procedures Manual should be moved into the Local Law, which gives the conditions of permits.</i></p>
	<p>67. Power of authorised officers to act in urgent circumstances</p> <p>(1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an authorised officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:</p> <ul style="list-style-type: none"> (a) the authorised officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and (c) wherever practicable, a senior officer is given prior notice of the proposed action. <p>(2) In deciding whether circumstances are urgent, an authorised officer</p>	<p>Currently there is no option for an officer to act to remedy a situation if there is non-compliance with a Notice to Comply, in serious circumstances, such as unsightly premises.</p> <p>This should be incorporated into this clause.</p>

must take into consideration, to the extent relevant:

- (a) whether it is practicable to contact:-
 - (i) the person by whose default, permission of sufferance the situation has arisen; or
 - (ii) the owner or the occupier of the premises or property affected; and
 - (b) whether there is an urgent risk or threat to public health; public safety, the environment or animal welfare.
- (3) The action taken by an authorised officer under sub-clause (1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An authorised officer who takes action under sub-clause (1) must ensure that, as soon as practicable:
- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
 - (b) a report of the action taken is submitted to the Chief Executive Officer.

70 – payment of penalty

70. *Payment of Penalty*

- (1) A person issued with an infringement notice may pay the penalty amount to the Port Phillip City Council at the address indicated in the notice.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

Since this clause was written the Infringements Act 2006 has come into force. This clause should just refer to compliance with requirements of the Infringements Act.

This clause to be deleted – on advice from Maddocks

<p>71 – waiver and withdrawal</p>	<p>71. Waiver and withdrawal</p> <p>(1) Within 28 days of receiving an infringement notice a person may make a written request to the Council that the infringement notice be withdrawn.</p> <p>(2) An authorised officer may at any time withdraw an infringement notice either as a result of the consideration of a written representation received or with a view to prosecuting for an offence.</p> <p>(3) Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made.</p>	<p>Since this clause was written the Infringements Act 2006 has come into force. This clause to be deleted – on advice from Maddocks.</p>
<p>Additional Clause – storm water drains</p>	<p>Council receives numerous requests relating to the maintenance of storm water drains that service private properties but are on Council land.</p>	<p>A property owner should be made responsible for maintaining their own storm water drains. – added at 38B</p>
<p>PROCEDURES MANUAL</p>	<p>The current procedures and protocols manual is incorporated by reference within the local law. This causes confusion. It is also not desirable for sections of the manual to be changed without going through the same process that the local law change requires.</p>	<p>Include the procedures and protocols manual as an appendix to the local law, so that it forms part of the local law.</p>

Part 1	<p>...</p> <p>3. Any name submitted for consideration must be historically relevant or Aboriginal in origin, and must relate to the area in question.</p> <p>...</p>	<p>Use more appropriate wording – replace aboriginal with indigenous.</p>
Part 4B – busking	<p>...</p>	<p>On advice from Maddocks, wording has been changed slightly, for clarity.</p>
Part 6 – operation of Markets	<p>...</p>	<p>On advice from Maddocks, wording has been changed slightly, for clarity</p>
Part 7 – bulk rubbish containers	<p>1. <i>In addition to any other conditions a permit for the placing of bulk rubbish containers must contain the following conditions:</i></p> <p>(a) <i>the applicant (or firm supplying the containers) must produce evidence that they have public liability insurance up to \$10,000,000;</i></p> <p>(b) <i>the container must be placed along the street frontage of the property to be serviced, unless written confirmation is received from an adjacent property owner that they do not object;</i></p> <p>(c) <i>the container must not be placed in any areas where the standing or parking of a vehicle is prohibited. An</i></p>	<p>This section is too complicated, which has resulted in no ability to enforce any of the provisions. This needs to be re-written to simplify any arrangements.</p> <p>This section does not reflect the current Australian standard with respect to visibility – and it is this standard that should be referred to as a remedy.</p>

Part 7 a – shopping trolleys

allowance of 3 metres is required to the opposite kerb and laneways must not be obstructed;

- (d) flashing orange lights must be fitted on the corner of the container nearest to traffic between sunset to sunrise;*
- (e) the material kept in the container must not rot or cause offensive odours;*
- (f) the container must not remain on major arterial roadways or residential streets in excess of two (2) days unless prior consent is obtained.*

• PART 7A - PROCEDURES APPLYING TO SHOPPING TROLLEYS

1. The Council and a store owner, or a body that represents store owners, may agree on a process for the handling and collection of shopping trolleys left on roads or Council land which may be contained in a Code or guidelines adopted by both of them or in a written agreement between them.
2. *If there is no Code or guidelines or written agreement in place, the following process is to be applied to shopping trolleys left on roads and Council land.*
 - (a) Council's Community Amenity officers will liaise with the respective store managers concerning shopping trolleys that have been left on roads and Council land and the store manager or the collection contractor will be responsible for liaising with Council's Community Amenity officers.
 - (b) Every store providing shopping trolleys for customer's use should ensure that the name of the retailer and a message to customers about their responsibility to return the trolley to a proper collection point is clearly marked on the trolley.

This is not worded particularly well. It should be simplified to change to the current process that is agreed with Coles and Safeway, so that all trolleys get treated the same way.

2 – to be replaced as follows:

- (a) Council officers will tag a trolley with a fluorescent sticker, and contact the relevant Company/store to advise the trolley requires collection. Contact can be either by telephone, email or any other method that may be appropriate.
- (b) If the trolley is not collected within 24 hours of notification, the officer can issue an infringement to the Company/store.
- (c) The officer can then arrange for the trolley to be impounded.
- (d) Any impounded trolleys must be reclaimed within 14 days (and an appropriate fee paid to Council) or they can be disposed of by Council.

- (c) The store manager or the collection contractor will first be given an opportunity to retrieve a shopping trolley that has been left on a road or Council land unless it has been left on a road or Council land in a way that could cause a danger or hazard to users of the road or Council land.
 - (d) If a store manager or collection contractor does not remove the trolley within a reasonable period or if the danger or hazard continues, the shopping trolley may be removed by a Community Amenity officer and impounded.
3. *Where a shopping trolley that has been left on a road or Council land contains the personal belongings of a person who is homeless, the authorised officer must ensure that those belongings are removed for safe keeping and return to the owner.*

Part 9 – filming

On advice from Maddocks, wording has been changed slightly, for clarity

Part 10 – building works on building sites

On advice from Maddocks, wording has been changed slightly, for clarity

Part 11 – General req'ments – commercial

On advice from Maddocks, wording has been changed slightly, for clarity

<p>waste etc Part 14 – poultry and animal housing</p>	<ol style="list-style-type: none"> 1. <i>Poultry or animal housing or a similar structure must be located on the property so that the amenity of the area or other premises is not affected by nuisance, noise or odour experienced because of proximity of the poultry or animal housing.</i> 2. <i>An owner or occupier must not construct or use any poultry or animal housing on any property unless it has adequate roofing, drainage, is rat proof and has a floor paved with impervious material.</i> 3. <i>All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.</i> 	<p>Due to amenity issues related to noise – roosters should not be allowed to be kept at all. This is now included in the local law.</p>
<p>Part 17 – road opening/road occupation for works</p>	<ol style="list-style-type: none"> 1. <i>In addition to any other conditions a permit for road opening/occupation must include the following conditions:</i> <ol style="list-style-type: none"> (a) <i>all works must be carried out in accordance with the appropriate general conditions relating to the permit.</i> (b) <i>the permit holder is responsible for all protective measures to ensure the safety of the works and the public.</i> (c) <i>all damage to Council's assets as a result of this work must be reinstated to Council's satisfaction.</i> (d) <i>the permit must be kept on the works site during working hours.</i> 2. <i>In determining whether to grant a permit, the Council must take into account:</i> <ol style="list-style-type: none"> (a) <i>the nature and duration of the works;</i> (b) <i>the likely hazard that the works may constitute</i> 	<p>To avoid damage to Council trees – to include referral to tree management officer if within 3m of existing trees.</p>

**Part 19 –
designated
areas**

- to users of the road;*
- (c) *the impact of the works on the amenity of the adjoining area;*
 - (d) *whether an indemnity/guarantee has been provided to the Council;*
 - (e) *any other matter relevant to the circumstances of the application.*

4. *“Alcohol free zones”:*

- a)** *For the period of the St Kilda Festival conducted in the St Kilda precinct - between the hours of 9 am till 12 midnight on the day/days of the event.*

The St Kilda precinct is that area being from the foreshore along Thackeray Street to Barkly Street, along Barkly Street to Fitzroy Street, along Fitzroy Street to Canterbury Road, along Canterbury Road to Cowderoy Street then down Cowderoy Street to the foreshore, including the beach.

- (b) *Australian Formula 1 Grand Prix (entire municipal area for the period of the Grand Prix as defined in the Australian Grand Prix Act - being from midnight on the Monday preceeding the Grand Prix to midnight on the Monday after the Grand Prix).*
- (c) *Foreshore areas;*
 - (i) *For the period from 1 November until 30 March, in any year between 9.00pm and 9.00am on the following day, the following foreshore areas:*

Section c – foreshore areas should be removed completely, as this is essentially covered by section d. Section c is also far too complicated. This is now removed into the main section of the Local Law

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- (A) the north east boundary of Ormond Esplanade to the north east and the low water mark to the west, extending from Beach Avenue in the north to the municipal boundary at Head Street in the south; and
 - (B) the east boundary of Marine Parade in the east and the low water mark in the west, extending from Shakespeare Grove to the north to Dickens Street to the south.
- (ii) For the period from 1 November until 30 March, in any year between 10.00pm and 9.00am on the following day, the following foreshore areas:
- (A) the east boundary of Pier Road to the east and the low water mark to the west, from the intersection with Jacka Boulevard in the south to the intersection with Beaconsfield Parade in the north; and
 - (B) the north boundary of Boulevard in the north and the low water mark in the south, extending from Beacon Road in the east to Todd Road in the west including Perce White Reserve.
- (d) Throughout the municipal district, in any year, on roads and council land, between the hours of 11.00pm and 7.00am on the following day.
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