

PORT PHILLIP CITY COUNCIL

PROCEDURES AND PROTOCOLS MANUAL

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C; Part 17, 1,2,3; Part 19, 4).

*Note: This Manual should be read in conjunction with Community Amenity
Local Law No. 3 of the Port Phillip City Council.*

CITY OF PORT PHILLIP
PROCEDURES AND PROTOCOLS MANUAL
(COMMUNITY AMENITY LOCAL LAW NO.3)

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PROCEDURES APPLYING TO THE EXERCISE OF FUNCTIONS BY THE COUNCIL UNDER THE LOCAL GOVERNMENT ACT 1989 AND COMMUNITY AMENITY LOCAL LAW NO.3

• PART 1 - CHANGES TO ROAD NAMES

**CLAUSE 33
C.A.L.L.**

1. This Part does not apply to any freeway or to any supplementary name applied to the entire length of a declared road by Vic Roads.
2. When considering the allocation of a name for a road, the Council is to have regard to any policy made under the Geographic Places Names Act 1998 and the following considerations:
 - (a) whether the name is likely to be confused with the name of another road in the area; and
 - (b) whether the name would duplicate the name of another separate road in the same post code area; and
 - (c) whether there will be a significant impact on any businesses; and
 - (d) whether a loop road is named in such a way that two separate intersections involve roads with the same two names or similar names; and
 - (e) whether the same name would apply to separate lengths of road which are separated by a physical obstruction to vehicular travel, within the same post code area.
3. Any name submitted for consideration must be historically relevant or indigenous in origin, and must relate to the area in question.
4. Before considering a change of name of a road, the Council must give public notice and a person may make a submission in accordance with section 223 of the Act.
5. The Council must keep a record of all road names and name changes agreed to by the Council and must accurately record the names, locations and the dates the changes became operative.
6. The Registrar of Geographical Place Names must be advised of the outcome of any Council decision to name or rename a road.
7. Where the Council erects signs on roads which are readily passable by traffic to indicate the road name, regard may be had to the requirements of Australian Standard AS1742.5 "Street Name and Community Facility Name Signs".
8. When property numbers are first allotted or changed or when a road name is allocated or changed, the Council must notify every relevant authority including electricity distributors, local water authorities, VicRoads, the Valuer-General, the Public Transport Corporation, the Department of Planning and Development and local newspapers.

• **PART 2 - ABANDONED VEHICLES**

LGA 1989

**CLAUSE 41A
C.A.L.L.**

1. An authorised officer may remove any unregistered vehicle (including all goods and chattels attached to the vehicle) from any road or Council land where the authorised officer considers the vehicle to be unregistered or abandoned and impound it.
2. The Council must make all reasonable enquiries to establish the owner of the vehicle.
3. If the owner is known to the Council, a notice must be served on him or her in accordance with section 232 of the *Local Government Act 1989* and the additional procedures in Part 5 of the *Community Amenity Local Law No.3* must be complied with.
4. Any vehicle which is impounded must be surrendered to the owner (or any person acting on his or her behalf who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner on:
 - (a) evidence to the satisfaction of an authorised officer being provided of the owner's right to the vehicle; and
 - (b) payment to the Council of the required fee.
5. Where a vehicle impounded is not claimed and removed by the owner or some person acting on his or her behalf:
 - (a) in the case of an unregistered vehicle, within 14 days of the vehicle being impounded by the Council; or
 - (b) in the case of a registered vehicle, within 14 days after the service of a notice personally or by mail upon the owner,

the Chief Executive Officer may direct that the vehicle be sold (free from the right of any other persons), destroyed or given away.

• **PART 3 - RESIDENT PARKING SCHEMES**

LGA 1989

1. The Council may from time to time adopt a parking permit policy and as part of that Policy. **CLAUSE 37
C.A.L.L.**
2. Where the Council resolves to establish a resident parking area it must advise stakeholders in writing of its intention to do so.
3. The information to be provided must contain:
 - (a) a description of the area to be set aside as a resident parking area;
 - (b) advice that persons living in the area may apply for a permit;
 - (c) a description of the procedure to be followed in applying for a permit;
 - (d) the fees that apply for a permit; and
 - (e) any other information that the Council considers necessary.
4. A person whose principal place of residence is within an area set aside as a resident parking area may apply for a permit in respect of each vehicle of which he or she is the owner.
5. Any person applying for a permit must lodge an application in an approved form that is specified in the Parking Permit Policy.
6. The Council may:
 - (a) grant an application for a permit;
 - (b) grant an application and issue a permit with conditions; or
 - (c) refuse to grant an application.
7. The Council must not grant more than three (3) applications in respect of any principal place of residence unless it is satisfied that special circumstances exist for doing so and any permit issued by the Council must:
 - (a) be in an approved form; and
 - (b) will be effective only upon payment of the required fee.
8. The Council may cancel the permit for the reasons identified in clause 58 of the *Community Amenity Local Law No.3* or if the permit holder no longer resides in the area set aside as a resident parking area.
9. A permit will continue in force for the period specified in the permit unless the Council revokes it before the expiry date.

- **PART 4A – SPECIAL EVENTS - STREET PARTIES, STREET FESTIVALS AND PROCESSIONS**

**CLAUSE 12
C.A.L.L.**

1. Information to be provided by applicant

In making an application for a special event the applicant may be required to provide the following information:

- (a) Details of the event in the format required by the Council;
- (b) Advice of any potential security or emergency issues for the police and other emergency service organisations such as the SES, St Johns Ambulance;
- (c) Advice of any potential police and emergency services personnel resource issues;
- (d) A proposed traffic plan for the event area with access details for emergency vehicles and road closures, proof of notification and approval from any other relevant authorities;
- (e) A copy of any extended liquor license application;
- (f) A copy of any extending trading hours application;
- (g) A proposed disaster plan for the event area; and
- (h) A certificate of currency indicating that the applicant has at least \$5m public liability insurance.

2. Additional approvals

Prior to granting approval for a special event, the Council may require:

- (a) Additional applications for permits for extended street trading; and
- (b) Additional applications for liquor licenses from licensed premises for the consideration by the Council's Planning Department.

3. Additional notifications

Where the Council grants a permit for a special event and having regard to the type of special event that is to occur, it must:

- (a) Provide specific details to affected residents and businesses in writing on the extent of traffic closures and other measures to be taken relating to the event; and
- (b) undertake any other notification that the Council considers relevant to the circumstances or that is required by the *Community Amenity Local Law No.3* or this *Manual*.

- **PART 4B – BUSKING**

In addition to any other conditions imposed on a permit (for a busking permit) the permit holder must comply with the following conditions:

**CLAUSE 14
C.A.L.L.**

1. A person must not busk at or around the South Melbourne Market unless prior approval is given (in writing) by the market management.
2. Space occupied by St Kilda Esplanade Market permit holders must not be used by buskers and any approved busking activity must not cause a nuisance to St Kilda Esplanade Market permit holders and visitors to the Esplanade Market or to local residents.
3. Pavement art of any form should be of a non permanent nature.

- **PART 4C - FUND RAISING AND PROMOTIONAL ACTIVITIES AND STREET STALLS**

Information to be provided by applicant

1. In making an application for fund raising or promotional activities or street stalls, an applicant must provide information about the event and any other information considered relevant by the Council.

- **PART 5**

NOT USED

- **PART 5A – DANGEROUS AND UNSIGHTLY PREMISES**

**CLAUSE 48
C.A.L.L.**

1. An authorised officer may consider land to be dangerous or unsightly where:
 - (a) there are certain materials or substances on the land that are kept in such a way that they may be flammable or explosive; or
 - (b) the way in which the land is kept or items are stored on the land may constitute or contribute to it being a health hazard; or
 - (c) the condition of any of the land promotes the presence of vermin and pests; or
 - (d) the appearance of the land is one of neglect and is out of character with other land in the vicinity; or
 - (e) a combination of any of the above factors renders the land to be dangerous or unsightly.
4. Where the owner or occupier is unable to remove the danger or carry out required maintenance and repairs due to illness, age, disability or complex needs, the authorised officer may refer the matter to Council's Home And Community Care program for assistance.

- **PART 5B – PROCESSES TO APPLY WHERE A PERSON IS CAMPING**

1. Where an authorised officer is investigating whether a person is camping in contravention of clause 44A of the *Community Amenity Local Law No.3*, he or she must assess whether that person is doing so because they are homeless, have complex needs or are in need of assistance in consultation with Council's Housing Advocate and/or Relevant Community Agency.
2. If an authorised officer determines that the person is homeless, have complex needs or is in need of assistance, he or she must advise the appropriate council officer so that any required assistance can be given.
3. In all other cases, where a person continues to camp in contravention of the Local Law and has ignored a previous direction given by an authorised officer, he or she may proceed to deal with a person under clause 64 of the Local Law.

ADDITIONAL REQUIREMENTS APPLYING TO USES AND ACTIVITIES UNDER THE COMMUNITY AMENITY LOCAL LAW NO.3.

A person undertaking a use or activity under the *Community Amenity Local Law No 3* must comply with any of the following requirements applying to that use or activity.

• PART 6- OPERATION OF MARKETS

**CLAUSE 17
C.A.L.L.**

1. Where the Council operates a market (other than the South Melbourne market), it must give public notice of the hours and days of operation of each market and of any variation to the hours and the days that markets are open.
2. **Provisions applicable to the South Melbourne Market**
 - (1) The South Melbourne Market will be open for public use on:
 - (a) each Wednesday which is not a public holiday, between the hours of 8.00am and 4.00pm;
 - (b) each Friday which is not a public holiday, between the hours of 8.00am and 6.00pm;
 - (c) each Saturday which is not a public holiday, between the hours of 8.00am and 4.00pm;
 - (d) each Sunday which is not a public holiday, between the hours of 8.00am and 4.00pm; and
 - (e) any other days or times that the that the Council or South Melbourne Market Management Committee may fix by resolution, including days or times fixed by resolution for particular groups of stalls.
 - (2) Where the days and the times that the South Melbourne Market is open for public use are varied as above, public notice must be given of those varied times and days.
 - (3) In addition to any conditions imposed on a permit (for a stand at the South Melbourne Market) the permit holder must comply with the following conditions:
 - (a) The permit holder of any stand in the market fronting directly to the footpath on Coventry and Cecil Streets must contain all activities and uses (including any display), within a line marked on the footpath which must not be more than one metre from the building line.
 - (b) Where it is proposed to display goods beyond the limit specified in paragraph (a), a person must apply for a permit under the *Footpath Activities Local Law No 7*.

- (c) The permit holder of any stand in the market fronting directly to the footpath on Coventry and Cecil Streets must ensure that a 2.3 metre clear walkway is maintained on the footpath at all times.
- (d) Any stall within the market must confine the activity or use to the boundary of the stand that is defined in any permit or lease or within the confines of any other area designated by the Council.
- (e) The area of a stand of a licensee not included in paragraphs (a) or (d) extends from the rear of the stand to the white painted line at the front of that stand. Any storage cupboards and other fixtures and fittings to the area that may be secured overnight must be confined to not further than the front of the stand than the white painted lines, but during trading, temporary displays may extend to the yellow line.
- (f) The permit holder of any casual stand within the market on any Sunday or any Sunday casual stand on the footpath surrounding the market must confine all displaying activities within the boundaries of the yellow lines of the stand allocated to him or her. Where it is proposed to extend the activity or use beyond those boundaries, the licensee must obtain a permit under the *Footpath Activities Local Law No 7*.

3. Provisions applicable to the Esplanade Market

- (1) A person is eligible to hold a stall at the Esplanade Market if the goods to be sold are of a high quality and originality in keeping with the authenticity and uniqueness of the Market and the person has been substantially involved in the production of the goods.
- (2) If a licence is granted for a stall at the Market, the licence only authorises the sale of goods as described in the licence by the persons named in the licence at the stall listed in the licence and in accordance with any conditions noted in the licence. The licence is a no exclusive contractual right to sell goods at the Market in accordance with the term or the licence and does not confer any proprietary interest in a stall or the Market.
- (3) Applications for stalls at the market may be lodged at any time with the Council or with the co-ordinator of the Market.
- (4) Any application for renewal of a licence must be lodged for a 3, 6 or 12 month period subject to the following:
 - (a) applications for renewal of a licence for a 3 month period must be made before July, October, January and April each year and be accompanied by payment of the appropriate fee; and
 - (b) applications for renewal of a licence for a 6 month period must be lodged in or before July or January each year and payment for the licence is due from the commencement of the month from which the renewal is sought; and

- (c) applications for the renewal of a license for a 12 month period must be lodged on or before July each year and be accompanied by the appropriate fee.
- (5) A person seeking licence renewal may retain his or her current stall allocation provided that clause 2 is complied with and subject to the renewal of the licence being granted.
- (6) Renewal of a licence may be refused if there has been:
 - (a) a failure to meet any or all licence fees;
 - (b) adverse decisions about product authenticity complaints;
 - (c) a failure to comply with any condition of a licence;
 - (d) failure to comply with the requirements of any of the Council's Local Laws.
- (7) A Selection Committee consisting of 3 stallholders who are committee members and the Council Co-ordinator will inspect all new applicants products.
 - (a) The Committee must take into account:
 - (i) the number of vacant locations;
 - (ii) the existing mix of crafts at the Market;
 - (iii) the capacity of the mix of crafts at the Market to sustain the Market as a tourist attraction;
 - (iv) whether the product is consistent with the quality and originality of other products at the Market; and
 - (v) the sustainability of the applicant's product having regard to the factors outlined in paragraphs (a) to (d).
 - (b) In determining the allocation of stalls, the Selection Committee may develop a shortlist of suitable applicants in order of quality and originality and then proceed to allocate stalls although it is under no obligation to allocate all stalls.
 - (c) The Selection Committee must carry out an inspection of products and conduct interviews for applicants for stalls in May and November of each year.
- (8) A licensee may be relocated from his or her stall if:
 - (a) he or she does not operate the stall for a minimum of 30 weeks in each financial year;
 - (b) notice of any long term absence (more than 22 weeks) is given in writing to the co-ordinator regardless of the reason for the proposed absence;
 - (c) he or she fails to attend the stall for 4 or more Sundays in succession without prior notice in writing to the co-ordinator;

- (d) he or she allows a substitute person to operate the stall for more than 4 Sundays in a financial year;
 - (e) he or she allows a substitute person to operate the stall by selling any products which are not products of the licensee's craft.
- (9) A licensee may be relocated to any available site at the Market.
- (10) Any licensee may apply to the Council in writing for a relocation each 6 months stating his or her current stall number and the Council will consider relocation applications by a series of ballots, based on how often, in consecutive terms, the stall holder has applied to move.
- (11) A licensee may apply at the time for renewal of any licence to add a new person who must also make an application to the licence.
- (a) The new person must not add a new craft and must be substantially involved in the production of the craft of the licensee.
 - (b) The new person will have a right to trade only as a co-licensee and that right will cease if the original licensee ceases to trade within 12 months of the application referred to in sub-clause (1).
 - (c) If existing licensees wish to share a single stall, an application must be made and may only be made on inspection day and must be approved by the Committee.
 - (d) Where an application under sub-clause (4) is successful, it will be treated as a new stall application and an applicant will be allocated a stall on the Albert Park side of the Market.
 - (e) Existing licensees must not share three or more stalls in the Market.
- (12) A new craft cannot be added other than on inspection day and then only if it continues the same theme of the existing product line and is approved by the Committee.

• **PART 7 - BULK RUBBISH CONTAINERS**

**CLAUSE 15
C.A.L.L.**

1. In addition to any other conditions imposed on a permit (for the placing of a bulk rubbish container) the permit holder must comply with the following conditions:
 - (a) the applicant (or firm supplying the containers) must (to the satisfaction of Council) produce evidence that they have public liability insurance to the value of \$10,000,000;
 - (b) the container must be placed on the road adjacent to the property to be serviced, unless written consent is obtained from an adjacent property owner;
 - (c) the container must not be placed in any areas where the standing or parking of a vehicle is prohibited. An allowance of 3 metres is required to the opposite kerb and laneways must not be obstructed;
 - (d) all requirements under a Vicroads Code of Practice relating to the placement of bins on roads, must be complied with;
 - (e) the material kept in the container must not rot or cause offensive odours;
 - (f) the container must not remain on a major arterial roadway or a residential street in excess of two (2) days (unless Council has provided prior written consent).

2. In determining whether to grant a permit, the Council must take into account:
 - (a) whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
 - (b) whether the placement will contravene any traffic control signs;
 - (c) whether hazard lights can be securely attached on the side nearest passing traffic or placed on a carriageway, so as an approaching motorist can identify the extent and form of the container;
 - (d) protection of any Council assets;
 - (e) whether the activity is covered by appropriate insurance and the applicant has provided an indemnity/guarantee to the Council;
 - (f) any other matter relevant to the circumstances of the application.

• **PART 7A - PROCEDURES APPLYING TO SHOPPING TROLLEYS**

**CLAUSE 15
C.A.L.L.**

1. .
2. The following process is to be applied to shopping trolleys left on roads and Council land.
 - (a) An officer will tag a trolley with a sticker and contact the relevant shop requiring the shopping trolley to be collected.
 - (b) If the shopping trolley remains uncollected 24 hours after notification in (a) above, the shopping trolley may be seized and impounded.
 - (c) An impounded shopping trolley must be reclaimed within 14 days and disposed of in accordance with clause 68 of the Local Law.
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 8 - PARKING –AUSTRALIAN FORMULA 1 GRAND PRIX**

**CLAUSE 16
C.A.L.L.**

In this Part, the following definitions apply:

“Access Pass”	means one of the following passes issued by the Corporation: (a) Unrestricted Service Vehicle; (b) Paddock Car Park; (c) Support Paddock; (d) Village Green Car Park; (e) Event Management; (f) Restricted Service Vehicle; (g) Track Vehicle; (h) Disabled Parking; (i) Tunnel; and (j) Competitor Car Park.
“Act”	means the Local Government Act 1989 .
“Albert Park”	means the land described in the Grand Prix Act 1996 .
“Applicant”	means a person making an application for a permit or additional permit.
“Chief Executive Officer”	means the Chief Executive Officer of Council.
“Church”	means a church, synagogue or other place used primarily for religious worship and which occupies premises in the Local Access Only Zone.
“Commercial Premises”	means premises where goods or services are sold or which are used for the purposes of any business.
“Community Group”	means a body or association of any kind established for and pursuing community purposes and which occupies premises within a Local Access Only Zone.
“Corporation”	means the Australian Grand Prix Corporation.
“Council”	means Port Phillip City Council.
“Grand Prix”	means the Australian Formula 1 Grand Prix and includes any race, event or activity promoted by the Corporation in association with that race.

“Local Access Only Zone”	means the area designated by the Council as the Local Access Only Zone.
“Middle Park Area”	means the part of the Local Access Only Zone designated by the Council as the Middle Park Area.
“Municipal District”	means the municipal district of Council.
“Parking Area”	has the same meaning as in the Road Rules - Victoria 1999 .
“Permit”	means a parking permit issued under clause 16 of the <i>Community Amenity Local Law No.3</i> .
“Permit Holder”	means a person issued with a Permit or who is the holder of a Visitor Permit.
“Resident”	means a person whose principal place of residence is within the Local Access Only Zone.
“Vehicle”	has the same meaning as motor vehicle in the Road Safety Act 1986 but does not include a bicycle, motorised scooter or a tram.
“Visitor Permit”	means a permit issued to a resident for use by a visitor to the resident’s premises.

1. During the period of the Australian Formula 1 Grand Prix, the Council may regulate:
 - (a) parking within specified times and in specified areas surrounding Albert Park; and
 - (b) make provision to facilitate the issuing of special parking permits to residents and people having business within the area surrounding Albert Park.
2. Where the Council designates an area as the Local Access Only Zone and an area as the Middle Park Area during which parking is restricted it may publish a notice in:
 - (a) a metropolitan daily newspaper; and
 - (b) another newspaper circulating generally in the municipal district.
3. The notice published under clause 2 must contain:
 - (a) a description of the area which constitutes the Local Access Only Zone and the Middle Park Area;
 - (b) details of days and the times during the days which constitute prohibited periods for parking;
 - (c) information about the persons who are eligible to apply for a permit;
 - (d) information about the procedure to be followed in applying for a permit; and
 - (e) any other information that the Council considers necessary.
4. Unless a person has obtained a permit under the *Community Amenity Local Law* a person must not leave a vehicle standing during the prohibited periods that apply in a parking area within the:
 - (a) Local Access Only Zone (other than the Middle Park Area); or
 - (b) Middle Park Area.
5. A person must comply with any conditions that are applied to any permit that has been granted.
6. The Council authorises the Corporation to be its agent for the purpose of issuing permits under this Part.
7. The Corporation is not eligible to make any applications for a permit for itself or its employees or agents.

8. An application for a permit may be made by:
 - (a) a resident;
 - (b) the owner or occupier of commercial premises within the Local Access Only Zone;
 - (c) a member of a community group which will meet or will require the attendance of the member during the prohibited periods;
 - (d) a member of a church; and
 - (e) any other person approved by the Council.
9. An application by a resident entitles the resident to one permit for each vehicle that he or she owns and one visitor permit.
10. An application by the owner or occupier of commercial premises entitles that person to one permit in respect of each off-street parking space referable to the commercial premises and, if there is no off-street parking referable to the premises, the owner or occupier is entitled to two permits.
11. A member of a community group or a church may apply and is entitled to one permit.
12. A person who meets the criteria in Schedule 1 of this Part is entitled to one permit.
13. A resident, an owner or occupier of commercial premises or a person under clause 11 may make an application for additional permits and the Corporation will:
 - (a) consider each application on its merits and in accordance with the criteria in Schedule 1 of this Part; and
 - (b) may issue or refuse to issue additional permits.
14. The Corporation may in consultation with the Council and in accordance with the criteria in Schedule 2 of this Part:
 - (a) grant an application and issue a permit;
 - (b) grant an application subject to conditions; or
 - (c) refuse to grant an application.
15. An applicant who is dissatisfied with a decision of the Corporation may apply to the Council for a review of that decision and the Council may:
 - (a) grant the application and issue a permit;
 - (b) grant an application subject to conditions; or
 - (c) refuse to grant an application.

16. A permit issued by the Corporation must be issued:
 - (a) free of charge; and
 - (b) in a form approved by the Council.
17. The Council may cancel the permit for the reasons identified in clause 58 of the *Community Amenity Local Law No.3*.
18. A permit will continue in force for the period specified in the permit unless the Council revokes it before the expiry date.
19. A permit holder:
 - (a) must not assign, transfer or encumber his or her permit; and
 - (b) must ensure that:
 - (i) the permit is fixed to the lower interior of the passenger side corner of the front windscreen of the relevant vehicle or in any other manner specified in the permit; and
 - (ii) all printed information on the permit is capable of being read by any person standing beside the vehicle.
20. The following vehicles are exempt from the requirements under clause 16 of the *Community Amenity Local Law No.3* and of this Part:
 - (a) bicycles;
 - (b) coaches and Public Transport Corporation buses when parked in clearly designated bus parking areas;
 - (c) taxis or stretch limousines providing taxi services when parked in a clearly designated taxi rank;
 - (d) vehicles owned by the Council, the Public Transport Corporation or the Roads Corporation;
 - (e) Police, Ambulance, Fire Brigade and State Emergency Service Vehicles;
 - (f) vehicles carrying a registered doctor or a nurse who is on duty and required to attend premises within the Local Access Only Zone; and
 - (g) clearly marked courier vehicles when parked for the purpose of collecting or delivering any object.
21. The Council or the Police may exempt any person from the operation of this Part of any of the requirements contained in it.

**SCHEDULE 1 – CRITERIA FOR APPROVING APPLICANTS UNDER
CLAUSE 8(e)**

In determining whether any other person is entitled to a permit, the Council will consider the following:

1. Whether the person:
 - (a) is a parent or guardian of a student attending a school within the Local Access Only Zone; and
 - (b) needs to accompany the student to or from or otherwise attend the school.
2. Whether the person needs to attend the premises of a doctor or a dentist or other premises of any kind for medical treatment.
3. Whether the person reasonably needs to attend business or commercial premises during prohibited periods.
4. Whether the person reasonably needs to attend the premises of a resident during the prohibited period.

**SCHEDULE 2 –CRITERIA FOR ISSUING ADDITIONAL PERMITS
UNDER CLAUSE 13**

In determining whether to issue additional permits and any conditions that might apply, the Corporation will take into account the following criteria:

1. Whether the applicant only requires the permit for a specified period during the prohibited periods and will accept a permit valid for that period only.
2. Whether the application is made by a resident who wishes to organise a social activity or function at his or her residence during the prohibited periods. The Corporation may issue not more than 8 visitor permits to be used by any person attending that activity or function. Such visitor permits may be expressed to be valid only for the period that covers the time of the social activity or function.
3. Whether the applicant has minimised the number of permits applied for by organising any car pooling.

SCHEDULE 3 – GENERAL CRITERIA FOR ISSUING PERMITS BY THE CORPORATION

In deciding whether to issue permits and any conditions that might be applied, the Corporation will take into account the following criteria:

1. Whether the applicant only requires the permit for a specified period during the prohibited periods and will accept a permit valid for that period only.

Guidelines:

- A permit issued to an owner or occupier of commercial premises should only be valid on the days during which the business usually operates.
- A permit issued to a member of a church should only be valid for the days on which the applicant intends to attend the church.
- A permit issued to a member of a community group should only be valid for the days on which the member intends to attend the premises of the community group.

• **PART 9 – FILMING**

**CLAUSE 13
C.A.L.L.**

1. In addition to any conditions imposed on a permit (for filming) the permit holder must comply with the following conditions:
 - (a) The permit holder must ensure that all filming activities comply with any requirements of the Community Amenity Local Law No.3 and the requirements of any other legislation applicable to the use.
 - (b) The permit holder must have public liability insurance of at least \$5m and a certificate of currency must be attached to each application.
 - (c) The permit holder must give local traders and residents at least 48 hours written notice asking whether they have any objections to the filming taking place and a copy of the letter must be provided with the application for a permit.
 - (d) The permit holder must pay for all costs incurred in clearing litter and other waste generated by the filming activities.
 - (e) The permit holder must make a reserved parking request 7 days prior to the use of the site and maps indicating the location and number of spaces required must accompany the application. The Council does not guarantee that support can be provided in busy trading areas unless neighbouring traders and residents are provided with adequate notice in accordance with clause 3.
 - (f) No filming is permitted between Midnight and 7.30am on any day.
- 2.
3. The Council reserves the right to cancel any approval in the event that activities are not being conducted in accordance with the conditions of the permit and no refund of fees will be paid.
4. Fees as per Council Resolution:
 - (a) Sponsorship in the form of waiver of fees is available in certain instances:

Emerging film makers, students and projects of demonstrable community benefit are eligible for a fee waiver. This support is treated as a sponsorship by the City of Port Phillip. The film maker is required to acknowledge the City in the end credits. Sponsorship must be requested in writing and the Co-ordinator Cultural Development is delegated with the authority to approve the sponsorship. The location acknowledgment will read "Filmed in the City of Port Phillip" or "Thanks to the City of Port Phillip".

Emerging film makers are defined as film makers recently out of film school or film makers who have not gone through traditional educational institutions, who have made up to and no more than two films. Fee waivers will generally only be available once and the film maker will be considered to be the producer/production company taking responsibility for the shoot.

• **PART 10 - BUILDING WORKS ON BUILDING SITES**

1. In addition to any conditions imposed on a permit (for building works) the permit holder must comply with the following conditions:
 - (a) *Stormwater Management*
 - (i) retention of stormwater on the site (wherever possible) for connection to the stormwater system; and
 - (ii) prevention of sediment from polluting stormwater discharges and entering the sewerage system.
 - (b) *Protection of the environment and vegetation*
 - (i) preservation of grass and vegetation, especially on the perimeters of the building site;
 - (ii) minimisation of work of slopes, along streams and environmentally sensitive areas;
 - (iii) minimisation soil exposure and revegetating as soon as practicable; and
 - (iv) removal of excess soil from the building site as soon as practicable.
 - (c) *Site access and access roads*
 - (i) minimisation of dust or mud from road surfaces; and
 - (ii) cleaning from falling onto the roads.
 - (d) *Excavations*
 - (i) reinstatement of trenches as soon as pipes or cables are laid;
 - (ii) cleaning of roads during excavation works; and
 - (iii) protection of stormwater entry pits close to roadworks.
 - (e) *Stockpiles and batters*
 - (i) positioning of stockpiles away from drainage flows; and
 - (ii) no placement of stockpiles on roads (unless a permit under the *Community Amenity Local Law No.3* has been obtained).
 - (f) *Noise Control*
 - (i) compliance with the operating hours prescribed in the *Community Amenity Local Law No.3*;
 - (ii) permitting deliveries to the site only during normal working hours;
 - (iii) use of equipment with the lowest possible noise rating and best practice silencing technology wherever possible;
 - (iv) use of noiseless piledrivers wherever possible or boring of holes before inseting piles; and
 - (v) regular servicing of vehicles and generators, and no idling of trucks in area close to residences.

(g) *Waste Management*

- (i) containment of litter from the building site is a container kept on the building site;
- (ii) immediate cleaning of spills and prevention of paint residues or other liquid wastes from entering the stormwater system or soaking into the ground;
- (iii) provision of proper sanitary facilities on site;
- (iv) provision of a dedicated chemical storage area;
- (v) containment or filtration of run off pressure cleaning and brick, tile or pavement cutting;
- (vi) recycling wherever possible and sending waste which is not recyclable to landfills; and
- (vii) containment of waste from concrete deliveries on the site or on the truck.

(h) *Contaminated Soil*

- (i) testing of soil for contamination and evidence of old fill material or previous industrial use prior to any works commencing; and
- (ii) compliance with EPA Guidelines on the management and containment of soils.

(j) *Outside the Site*

- (i) no hosing of litter into drains;
- (ii) daily inspection and cleaning of roads and gutters around the site;
- (iii) minimisation of dust from the site; and
- (iv) keeping of all equipment and material used in association with the building work on the building site unless a permit under the *Community Amenity Local Law No.3* has been obtained.

2. The record that must be kept by the builder to monitor the steps taken to manage the building site must contain the information and be in a form along the lines of the Schedule to this Part.
3. Where a builder applies for a permit to carry out building works outside the times specified in clause 24(5) of the *Community Amenity Local Law No.3*, the builder must:
 - (a) submit an application to the Council at least 4 days before the commencement of the out of hours work; and
 - (b) the application must be along the lines of that contained in Part 20 of the Procedures and Protocols Manual.

4. In determining whether to grant the permit for out of hours work, the Council must consider factors including but not limited to:
 - (a) the nature of the proposed works;
 - (b) the time and circumstances in which the works will be carried out;
 - (c) the likely volume, intensity, and duration of the noise levels that will be emitted by the proposed works;
 - (d) any previous applications made or permits granted to that person, including any complaints made in respect of such permits;
 - (e) Potential precautions or conditions for preventing emission of noise that is clearly audible and detrimental to the amenity of any surrounding:
 - (i) residential premises outside the permitted hours and in particular before 9.00am Saturday and 10.00am Sunday; and / or
 - (ii) Non-residential premises outside the permitted hours and in particular at business critical times to any business operating from those premises;
 - (f) issues of community safety and amenity;
 - (g) The provision of reasonable notice to residents and occupiers of non-residential premises.
5. Permit conditions will be included relating to: -
 - (a) Noise, in particular to prevent noise which is clearly audible and detrimental to the amenity of surrounding:
 - (i) residential premises before 9.00am Saturday and 10.00am Sunday; and / or
 - (ii) non-residential premises at business critical times to any business operating from those premises;”
 - (b) nuisance;
 - (c) traffic management; and
 - (d) notification to residents and occupiers of non-residential premises.
6. Where the Council has granted a permit for the out of hours work, the builder must provide 48 hours notice to the occupiers of all adjoining properties prior to commencing the work.

SCHEDULE - BUILDING SITE MONITORING RECORD

Issue	Requirements	Audit Frequency	Date	Result ✓ or x	Details of problems detected	Remedial Action Taken
Stormwater Management	stormwater not ponding or causing a nuisance sediment not polluting stormwater or entering the sewer	daily during heavy rainfall				
Protection of the environment and vegetation	grass, vegetation and trees especially on the perimeters of the building site not being damaged excess soil is removed from the building site as soon as practicable	weekly after excavations				
Site access and access roads	dust or mud from road surfaces is minimised the tyres of vehicle exiting the site are cleaned to prevent litter from falling onto the roads	Daily Daily				
Excavations	trenches are reinstated as soon as pipes or cables are laid roads are kept clean during excavation works stormwater entry pits close to roadworks are not polluted	as required as required weekly				
Stockpiles and batters	stockpiles are not placed on roads (unless a permit under the Community Amenity Local Law No.3 has been obtained)	weekly				

Issue	Requirements	Audit Frequency	Date	Result ✓ or x	Details of problems detected	Remedial Action Taken
Noise Control	<p>operating hours prescribed in the Community Amenity Local Law No.3 are complied with</p> <p>deliveries to the site are limited to normal working hours</p> <p>equipment with the lowest possible noise rating and best practice silencing technology is used wherever possible</p>	<p>daily</p> <p>daily</p> <p>at beginning of project and during pile driving</p>				
Waste Management	<p>litter from building sites is properly stored in container(s) on the building site</p> <p>proper sanitary facilities are provided and maintained on site</p> <p>a dedicated chemical storage area is provided and chemicals properly stored</p> <p>recycling containers are provided recyclable materials are not sent to landfill</p>	<p>daily</p> <p>daily</p> <p>daily</p> <p>daily</p>				
Contaminated soil	<p>the site is tested for contaminated soil and evidence of old fill material or previous industrial use is obtained prior to the works commencing</p> <p>EPA Guidelines on the management of contaminated soils are followed</p>	<p>prior to works commencing</p>				

Issue	Requirements	Audit Frequency	Date	Result ✓ or x	Details of problems detected	Remedial Action Taken
Outside the Site	litter is not hosed into drains dust from the site is minimised roads and gutters around the site are inspected daily and cleaned all equipment and materials used in association with the building work is being stored on the building site (unless a permit under the <i>Community Amenity Local Law No.3</i> has been obtained)	daily daily daily daily				

- **PART 11 - GENERAL REQUIREMENTS APPLYING TO INDUSTRIAL, TRADE AND COMMERCIAL WASTE**

**CLAUSE 26
C.A.L.L.**

1. In addition to any conditions imposed on a permit (for an industrial waste permit) the permit holder must comply with the following conditions:
 - (a) not kept on a road or Council land and must be kept on the property for which the bin has been obtained unless the Council has approved an alternative location;
 - (b) constructed of material to prevent leakage, is water-tight, fly and vermin proof ;
 - (c) of a sufficient size to contain all waste generated on the premises in between clearances;
 - (d) kept in a clean, sanitary and inoffensive condition; and
 - (e) emptied at least weekly or more regularly if the contents become offensive;
- 2 The occupier of any premises must ensure that any **area** where any container used for the storage of industrial, trade or commercial waste is kept is:
 - (i) maintained at all times in a clean, sanitary and inoffensive condition;
 - (ii) adequately screened from adjoining properties;
 - (iii) adequately fenced or otherwise constructed so that access to the public is not possible; and
- 3 Every waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

• **PART 12 - SPECIFIC REQUIREMENTS APPLYING TO COMMERCIAL PREMISES**

**CLAUSE 27
C.A.L.L.**

1. In satisfying the requirements in clause 27 of the *Community Amenity Local Law No.3*, the owner or occupier of commercial premises must ensure that the operation of commercial premises does not have an adverse impact or affect adjoining properties.
2. The owner or occupier of commercial premises must ensure that:
 - (a) adequate waste management arrangements are in place; and
 - (b) noise and other emissions are monitored and controlled.

If required by the Council or by an authorized officer, the owner or occupier of the commercial premises must submit a waste management plan incorporating the adequate waste management arrangement, to the Council for approval, which approval may be given subject to such conditions as the Council or authorized officer thinks fit. The owner or occupier must ensure that the waste management plan is carried out in accordance with any such approval.

3. ***Adequate Waste Management Arrangements***

“Adequate waste management arrangements” - is an arrangement which prevents nuisances caused or constituted by the storage and disposal of waste.

Any ***container*** used as part of an adequate waste management arrangement must :

- (a) not be kept on a road or Council land and must be kept on the property for which the bin has been obtained;
- (b) be constructed of material to prevent leakage, is water-tight, fly and vermin proof ;
- (c) be of a sufficient size to contain all waste generated on the premises in between clearances;
- (d) be kept in a clean, sanitary and inoffensive condition; and
- (e) emptied at least weekly or more frequently to comply with paragraphs (a) – (d).

An owner or occupier of commercial premises may apply to the Council for approval to store a container used as part of an adequate waste management arrangement on a road or Council land, which approval may be given subject to such conditions as be given subject to such conditions as the Council or authorized officer thinks fit. The owner or occupier must ensure that the container is stored in accordance with any such approval.

4. The owner or occupier of commercial premises must keep the area in which a container used for the storage of industrial, trade or commercial waste is located:
 - (a) maintained at all times in a clean, sanitary and inoffensive condition;
 - (b) adequately screened or fenced from adjoining properties; and
 - (c) where required by the Council, fenced so that access to the public is not possible.
5. **Recyclable materials** such as bottles, cardboard and cooking oils must be adequately stored so that:
 - (a) they cannot be interfered with by unauthorised persons;
 - (b) cannot escape beyond the premises on which they are stored.
6. **Crates and other returnable delivery containers** must be kept on the premises and stored until they are returned to the owner.
7. **Waste** must not be:
 - (a) discharged, emptied or disposed of in any way onto any road or into a drain;
 - (b) burned or incinerated; and
 - (c) left for collection on the roadside where it comprises hazardous waste as defined in the Environment Protection Act.
8. **Noise and emissions**

The owner or occupier of commercial premises must ensure that:

 - (a) any motors used in equipment in the commercial premises are properly baffled, insulated or located so as to control noise; and
 - (b) mechanical ventilation systems are regularly inspected and maintained and that a record of inspection can be provided to an authorised officer on request; and
 - (c) deliveries and pickups of goods and equipment does not affect the amenity of the area because of the time and manner in which the activities occur.
9. The owner or occupier of commercial premises is responsible for ensuring that unreasonable noise is not caused by the patrons of the commercial premises or by any amplified music from the commercial premises.
10. Any litter and the cleanliness of the area immediately adjacent to the commercial premises is the responsibility of the owner or occupier of the commercial premises and must be removed.
11. The owner or occupier of commercial premises must ensure that any equipment used in the commercial premises from which gas emissions may occur is regularly serviced and maintained in accordance with the relevant Australian Standard and that a record of inspection can be provided to an authorised officer on request.

12. Any stormwater drainage connection from the commercial premises must be regularly maintained and kept free from blockages.
13. The owner or occupier of commercial premises must ensure that closing times comply with the requirements contained in any permits relating to the commercial premises under the *Planning and Environment Act 1987* and *Liquor Control Reform Act 1998*.

• **PART 13- DOMESTIC WASTE AND RECYCLABLE MATERIALS**

**CLAUSE 29
C.A.L.L.**

1. These requirements apply to the occupiers of every dwelling or other property where the Council provides a garbage collection service.
2. All domestic waste and recyclable material left for collection must be placed in bins ready for collection in accordance with Council requirements and on the days from time to time specified by the Council.
3. Sub-clause (2) does not apply to material which is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.
4. Where the Council supplies or arranges the supply of bins for domestic waste or recyclable material, waste and recyclable materials must be stored in the bin supplied and must be used for no other purpose.
5. Bins must be placed on the verge of the vehicle crossing or roadway abutting the property or other location, confirmed in writing by the Council, prior to 6 am on the day the waste is to be collected.
6. Material that may cause a hazard or a safety risk is prohibited from being placed in bins provided and collected by the council for domestic waste or recycling.
7. If the Council has notified occupiers of a green waste or hard garbage collection, the material to be collected and the type of hard garbage to be collected must be left for collection in accordance with the Council's instructions.
8. Once the waste has been collected by the Council, the empty bins must be returned to the property as soon as practicable but within 24 hours from the collection.
9. Any waste from a container before collection which has spilled onto the road, nature-strip or surrounding area, must be removed by the occupier responsible for the bin, as soon as practicable and may be reported to the Council.
10. Bins must be maintained in a clean and tidy manner so that they do not cause a health threat or are offensive to any person.
11. The owner of any flats or units if required to do so must provide a clearly defined storage area for the storage of bins and every occupier must keep the bin allocated to the flat or unit in that defined storage area.
12. Any container issued to a property:
 - (a) is owned by the Council;
 - (b) must be kept and remain on the property; and
 - (c) if it is damaged, lost or stolen the occupier of the premises must notify the Council as soon as possible in the manner required and may be required to pay the costs of replacement.

- **PART 14– POULTRY AND ANIMAL HOUSING**

**CLAUSE
19 & 20
C.A.L.L.**

1. 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.
2. 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.
3. All poultry and animal housing must be maintained so that it does not cause a nuisance or offensive conditions or harbour vermin.

• **PART 15 - CLOTHING RECYCLING BINS**

**CLAUSE 21
C.A.L.L.**

1. In applying for a permit or renewal of a permit the applicant must:
 - (a) have public liability insurance of \$10,000,000 and must provide Council with a current insurance certificate of currency;
 - (b) specify the type, design, construction colour or finish of any bin used for the collection of clothing;
 - (c) provide the time, nature, location and frequency of the proposed collection;
 - (d) where the proposed bin is to be located on private property provide consent in writing from the owner of such property;
 - (e) in relation to any mix of agencies per site confirm compatibility of servicing providers to maintain cleanliness & ensure a four hour response to untidy locations with demonstrated collection capability;
 - (f) Confirm site:
 - (i) is in an approved location, being in a car park or on private property or that exceptional circumstances apply,
 - (ii) has parking availability in close proximity without any loss of parking, and
 - (iii) is visible & well lit, while not likely to cause an obstruction or amenity concerns.
 - (g) submit information that they are a charitable organisation within the meaning of the Taxation Act and the Fundraising Appeals Act.

2. Any person granted a permit must ensure that:
 - (a) Ensure compatibility of service providers in maintaining cleanliness & a four hour response to untidy locations with demonstrated collection capability;
 - (b) Sign on bin indicating collection drop off options if donated items are too large for bin; and
 - (c) Contact name & number for collection on bins & maintain register of requests for tidy ups;
 - (d) The bins bear the name and phone number of the permit holder and of any organisation for which funds are being collected;
 - (e) the bins be maintained in a good condition and that they be cleared on a regular basis;
 - (f) the area surrounding any bin be kept in a clean condition.

3.
 - (a) a person must not interfere with, deposit rubbish in or remove the contents from a clothing recycling bin;
 - (b) sub-clause 3(a) does not apply to the person on whose behalf the bin or an employee or agent of the person who placed the bin or an authorised officer.

4. The Council in deciding whether to grant a permit for placing the clothing recycling bin on any land must have regard to the following:
 - (a) the matters mentioned in sub-clauses 1(a)-(g);
 - (b) Car parks & private property will generally be preferred as approved locations, subject to the considerations below;
 - (i) Footpaths will only be considered as approved locations with approval of adjacent property owner/s and where approval will not adversely affect visual amenity or impede pedestrian access;
 - (ii) Maximum number of four bins per site
 - (c) any other matter relevant to the circumstances associated with the application.

• **PART 16 – ADVERTISING SIGNS**

**CLAUSE 8
C.A.L.L.**

A. Community Advertising Signs

In addition to any other conditions imposed on a permit (for advertising) a permit holder must comply with the following conditions (as relevant):

1. Eligibility
 - (a) in order to achieve Council's strategic direction the following groups will be eligible to apply for approval to erect a temporary advertising sign:
 - (i) City of Port Phillip Non-profit Aged and Disability Groups, Youth Groups, Arts and Cultural Groups and Non-profit community groups which meet Council's strategic directions;
 - (ii) City of Port Phillip schools and preschools;
 - (iii) City of Port Phillip Service clubs.
 - (b) in relation to temporary advertising signs at any Council event or activity, the same conditions will apply as for groups detailed in sub-clause 1(a).
2. Ineligible Groups/Organisations
 - (a) for-profit and commercial organisations are not eligible to apply to erect temporary signage. This form of signage is not consistent with the use of parks and reserves to achieve maximum community benefit and community participation.
3. Site Location and Allocation
 - (a) community advertising signs are not permitted in the following locations;
 - (i) St Kilda Junction;
 - (ii) Canterbury Road/Fitzroy Street/Grey Street;
 - (iii) Beaconsfield Parade/Fitzroy Street/ Jacka Boulevard;
 - (iv) Beaconsfield Parade/Kerferd Road;
 - (v) Ferrars Street/Kerferd Road/Canterbury Road/Albert Road.
 - (b) in determining whether to grant a permit the Council must take into account:
 - (i) the appropriateness of the proposed location to the community event;
 - (ii) impact on visual amenity;
 - (iii) traffic and safety issues for signs proposed on roads or reserves;
 - (iv) other matters relevant to the circumstances of the application.
 - (c) in the event that multiple applications are made for the same site(s), allocations will be made in order of receipt of applications.
4. Erection of Signs Without Permission

- (a) groups, organisations or individuals who erect advertising signs without permission, will be directed to remove the sign within 24 hours. If this request is not complied with, Council will impound the sign.

5. Display Duration

- (a) the display period for a temporary sign will be a maximum of fourteen (14) days, except for A-boards, which must be erected and removed within a 24 hour period on the day of an event in the Council park or reserve.
- (b) the display period for signs other than A-boards will begin on a Monday and finish on a Sunday.
- (c) on day event, or directional-signage will be permitted for organisations that have been approved to use a Council park or reserve for community functions. This signage must comply with requirements specified in the policy and must be removed within a 24 hour period.
- (d) permanent signage will not be permitted in Council managed parks or reserves unless it is part of Council's corporate signage or is regulative signage of a public authority.

6. Limits on Size of Signs

- (a) A Boards, (sandwich boards) are permitted to have a display surface area of one (1) square metre or less (0.5m on each side).
- (b) banners are to have a display surface area of 5 square metres or less. Banners are not permitted to be attached to any vegetation.
- (c) temporary community advertising signs must not exceed 5 square metres and would preferably be 3 square metres or less.

7. Content of Signs

- (a) the content of the sign must be submitted for approval with the application. Council reserves the right to disallow an application which it deems is not consistent with Council Corporate Directions.

8. Sponsorship

- (a) sponsorship identification on community signs is not to exceed 20% of the sign display area or .6 square metres, whichever is the lesser.
- (b) Signs which display sponsorship or advertising relating to tobacco or gambling associated activities, events or organisations, will not be granted approval to erect temporary advertising signage in parks and reserves.

9. Placement and Removal of Signs

- (a) it is the responsibility of the applicant to erect and dismantle, and remove signs. Signs must be securely fixed into position, structurally adequate and demonstrate consideration for all loads that may be applied. When the sign(s) is (are) dismantled, all brackets, pegs and fasteners are to be removed. Signs must be taken down within 24 hours of the expiry date.
- (b) signs that are not removed by the due date or on request thereafter, will be removed by Council and the costs of removal and storage recovered from the applicant.
- (c) signs are only to be placed at the designated site for the particular park or reserve.

10. Public Liability Insurance and Indemnity/Guarantee

- (a) the applicant must have public liability insurance of \$10,000,000 and must provide the Council with a certificate of currency and an indemnity/guarantee of the Council.

B. REAL ESTATE AGENT ADVERTISING SIGNS

In addition to the requirement to obtain a permit under Clause 8 of the *Community Amenity Local Law No.3* for an advertising sign, the permit holder must comply with the following conditions (for real estate advertising signs):

1. Advertising signs promoting auctions, sales or an open house viewing may only be placed on roads or Council land on the day of the event.
2. The size of any advertising sign must not be greater than 1 metre in height or 70 cm wide.
3. The advertising sign must be removed within two hours of the conclusion of the action/sale or open house viewing.
4. The advertising sign must not be located on median strips, roundabouts or similar structure or works forming part of the road.

C. ADDITIONAL REQUIREMENTS APPLYING TO MOBILE BILLBOARDS

In addition to the requirement to obtain a permit under clause 8 of the *Community Amenity Local Law No.3* for mobile billboards, the permit holder must comply with the following conditions (for mobile billboards):

- (a) a mobile billboard must not be located in a parking area for more than 2 hours regardless of whether the appropriate fee has been paid; and
- (b) there must be at least a minimum separation of 200 metres between mobile billboards at any one time.

D. ENFORCEMENT GUIDELINES

Council officers will generally follow the guidelines set out in the table below following detection of a breach of this Part:-

TABLE

	Community Group	'Small' Commercial Operator	'Major' Corporate Operator
First offence	Issue Notice to Comply - for removal within 7 days	Issue Notice to Comply - for removal within 7 days	Issue Infringement Notice and Issue Notice to Comply - for removal within 7 days
Non compliance after first offence and Notice to Comply	Issue Infringement Notice	Issue Infringement Notice to those identified within the local law.	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).
Second or subsequent Offence	Issue Notice to Comply - for removal within 3 days.	Issue Infringement Notice to those identified within the local law and Notice to Comply within 24 hours.	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).
Non compliance after second offence and Notice to Comply	Issue Infringement Notice	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).	Consider and implement available legal remedies (inc. clean up at cost of bill poster, issue of further PINs, issue of Summons).

• **PART 17 – ROAD OPENING/OCCUPATION FOR WORKS**

CLAUSE 11
C.A.L.L.

1. In addition to any other conditions imposed on a permit (for a road opening or occupation permit) a permit must include the following conditions:
 - (a) all works must be carried out in accordance with the appropriate general conditions relating to the permit.
 - (b) the permit holder is responsible for all protective measures to ensure the safety of the works and the public.
 - (c) all damage to Council's assets as a result of this work must be reinstated to Council's satisfaction.
 - (d) the permit must be kept on the works site during working hours.

2. In determining whether to grant a permit, the Council must take into account any matters specified in the *Road Management Act 2004*:
 - (a) the nature and duration of the works;
 - (b) the likely hazard that the works may constitute 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.

3. Any permit application must be referred to Council's tree management officer if works are to be undertaken (or occupation is to occur) within 3 meters of an existing tree.

• **PART 18 - SIGNIFICANT TREES**

CLAUSE 38
C.A.L.L.

In considering whether to grant a permit for the removal of a significant tree or cutting, trimming, pruning or taking any other action which may endanger the health of the tree the Council may consider:

- (a) whether it is necessary to obtain an arborist's report;
- (b) whether the tree is included on any register;
- (c) the reasons for the request;
- (d) impact on the amenity and the safety of the area;
- (e) any proposed replacement plantings; and
- (f) any other matter considered relevant by the Council.

• **PART 19 - DESIGNATED AREAS**

The following areas are designated for the respective purposes of the *Community Amenity Local Law No.3* and any permit issued for the relevant activity must include a condition that prohibits the activity in the following areas and locations :

1. **Busking Areas**

The following locations are where busking is permitted:

Local shopping centres
O'Donnell Gardens
Upper Esplanade
Other locations designated by the Council from time to time

2. **Fund Raising Activities and Street Stalls**

Footpaths
Acland Street, St Kilda
Bay Street, Port Melbourne
Bridport Street, Albert Park
Carlisle Street, Balaclava
Clarendon Street, South Melbourne
Liardet Street, Port Melbourne

Reserves
O'Donnell Gardens

3. **Promotional Activities**

Any area designated by the Council from time to time

4. refer Community Amenity Local Law, clause 45 re: alcohol restrictions

5. **Watercraft**

(a) Personal Watercraft: **CLAUSE 47**
St. Kilda Marina launching ramp or any other area that is signposted **C.A.L.L.**
for the purpose.

(b) Sailboards or Kite Surfing:
any area signposted for the purpose.

6. **Trading Sites**

(a) Dandenong Road adjacent to Alma Park - Florist

(b) Elwood Foreshore - Food Van

(c) Point Ormond Foreshore - Food Van

CLAUSE 9
C.A.L.L.

7. Advertising Signs – Mobile Billboards

- (a) Mobile billboards are not permitted in the following locations within the Municipality:
- Ormond Esplanade, Marine Parade, Jacka Boulevard, Beaconsfield Parade, Beach Street, Beacon Road, The Boulevard and abutting car parks, including foreshore car parks
 - St Kilda Road
 - Fitzroy Street
 - Acland Street Commercial Zone
 - Clarendon Street Commercial Zone
 - Bay Street Commercial Zone
 - Carlisle Street Commercial Zone
- (b) Mobile billboards are not permitted within the designated local access only zone for the period of the Australian Grand Prix from midnight on the Monday preceding the Grand Prix to midnight on the Monday following the Grand Prix.

• PART 20 – GENERAL FORMS

**PORT PHILLIP CITY COUNCIL
COMMUNITY AMENITY LOCAL LAW NO.3**

**IMPOUNDING NOTICE
CLAUSE 68**

To: _____
(name)

(address)

The following items have been impounded under clause 68 of the *Community Amenity Local Law No.3*.

(description of impounded items)

You can make arrangements to collect the items from:

between the hours of _____ by contacting _____
(authorised officer)
and paying the following fees.

Details of fees and charges	\$
_____	_____
_____	_____
_____	_____

If you do not collect the items and pay the fees and charges, the items may be disposed of in accordance with clause 68 of the Local Law.

(name of authorised officer)

Phone No: _____

(signature)

Date: _____

**PORT PHILLIP CITY COUNCIL
COMMUNITY AMENITY LOCAL LAW NO.3**

**APPLICATION FOR PERMIT
CLAUSE 53**

An application for a permit under the Community Amenity Local Law No.3 must contain the following information:

1. Name of applicant
2. Address of applicant
3. Contact phone number for applicant during business hours
4. Type of permit sought
5. Description of use or activity
6. Where required, evidence of owner's consent, if applicant is not the owner
7. Where required evidence of other necessary permits or consents required by the *Community Amenity Local Law No.3*
8. Where required evidence of current liability insurance cover
9. Any other relevant information required by the Council

In addition, an application for a permit must be accompanied by the relevant fee.

